



भारत का राजपत्र

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No. 7। NEW DELHI, SATURDAY, FEBRUARY 13, 1988/MAGHA 24, 1909

इस भाग पे भिन्न पृष्ठ रखना दी जाती है जिससे कि यह संग्रह संकलन के क्रम मे
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—भाग 2—प्रत-भाग (ii)
PART II—Section 3—Sub-section (ii)

(इन मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा कारी किए गए सार्विक जारें दीर अधिसंचयाएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 12 जनवरी, 1988

प्रधान कार्यालय संस्थापन

का.आ. 311.—केन्द्रीय राजस्व बोर्ड अधिनियम,
1963 (1963 का 54) की धारा 3 की उपधारा (2)
द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार
एतद्वारा भारतीय राजस्व सेवा (आयकर) के अधिकारी
तथा इससे पहले मुख्य आयकर आयुक्त (प्रशा.), परिषदी
बंगाल के पद पर तैनात श्री सी.एस. पाण्डेय को दिनांक
1 जनवरी, 1988 के पूर्वाह्न से अगला आदेश होते हुक
केन्द्रीय प्रत्यक्ष कर बोर्ड के सदस्य के पद पर नियुक्त न रखती
है।

[फा.सं. ए-19011/1/88-प्रशा.-1]

MINISTRY OF FINANCE

DEPARTMENT OF REVENUE

New Delhi, the 12th January, 1988

HEADQUARTERS ESTABLISHMENT

S.O. 311.—In exercise of the powers conferred by sub-
section (2) of section 3 of the Central Boards of Revenue
Act, 1963 (No. 54 of 1963), the Central Government hereby
appoints Shri C. S. Pandey, an officer of the Indian Revenue
Service (I.T) and formerly posted as Chief Commissioner of
Income Tax (Admn), West Bengal, as Member of the Central
Board of Direct Taxes with effect from the forenoon
of the 1st January, 1988 and until further orders.

[F. No A 19011/1/88-Ad II]

का.आ. 312.—केन्द्रीय राजस्व बोर्ड अधिनियम,
1963 (1963 का 54) की धारा 3 की उपधारा (2)
द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार
एतद्वारा भारतीय राजस्व सेवा (आयकर) के अधिकारी
और इससे पहले महानिदेशक (प्रशा.), आयकर, नई दिल्ली
के पद पर तैनात श्री टी.एन. पाण्डेय को दिनांक 31

दिसम्बर, 1987 के अपराह्न से अगला आदेश होने तक केन्द्रीय प्रत्यक्ष कर बोर्ड के सदस्य के पद पर नियुक्त करती है।

[फा. सं. ए-19011/2/88-प्रश्ना.-1]

S.O. 312.—In exercise of the powers conferred by sub-section (2) of section 3 of the Central Boards of Revenue Act, 1963 (54 of 1963), the Central Government hereby appoints Shri T. N. Pandey, an officer of the Indian Revenue Services (I.T.) and formerly posted as Director General (Admn.) Income-tax, New Delhi as Member of the Central Board of Direct Taxes with effect from the afternoon of the 31st December, 1987 and until further orders.

[F. No. A. 19011/2/88-Ad. II]

का.आ. 313:—केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) के खंड 3, उपखंड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवंद्वारा भारतीय राजस्व सेवा (आयकर) के अधिकारी और इससे पहले मुद्द्य आयकर आयुक्त (तकनीकी), नई दिल्ली के पद पर तैनात श्री ए.वी. स्वामीनाथन को दिनांक, 4 जनवरी, 1988 के पूर्वाह्न से अगला आदेश होने तक केन्द्रीय प्रत्यक्ष कर बोर्ड के सदस्य के पद पर नियुक्त करती है।

[फा. सं. ए-19011/4/88-प्रश्ना.-1]

S.O. 313.—In exercise of the powers conferred by sub-section (2) of section 3 of the Central Boards of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri A. V. Swaminathan, an officer of the Indian Revenue Service (I.T.) and formerly posted as Chief Commissioner of Income Tax (Tech) New Delhi, as Member of the Central Board of Direct Taxes with effect from the forenoon of the 4th January, 1988 and until further orders.

[F. No. A. 19011/4/88-Ad. II]

का.आ. 314:—केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवंद्वारा भारतीय राजस्व सेवा (आयकर) के अधिकारी और इससे पहले महानिवेशक (जांच), आयकर, दक्षिण, बम्बई के पद पर तैनात श्री ओ.पी. भारद्वाज को दिनांक 31 दिसम्बर, 1987 के अपराह्न से अगला आदेश होने तक केन्द्रीय प्रत्यक्ष कर बोर्ड के सदस्य के पद पर नियुक्त करती है।

[फा. सं. ए-19011/3/88-प्रश्ना.-1]

गैलेन्ड्र कुमार, उप सचिव

S.O. 314.—In exercise of the powers conferred by sub-section (2) of section 3 of the Central Board of Revenue Act, 1963 (54 of 1963), the Central Government hereby appoints Shri O. P. Bhardwaj, an officer of the Indian Revenue Service (I.T.) and formerly posted as Director General (Inv.), Income Tax, South, Bombay as Member of the Central Board of Direct Taxes with effect from the afternoon of the 31st December, 1987, until further orders.

[F. No. A.-19011/3/88-Ad. II]

S. KUMAR, Dy. Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड
नई दिल्ली, 9 नवम्बर, 1987
शुद्धिपत्र

का.आ. 315:—दिनांक 27-5-87 की अधिसूचना (सं. 7315) फा.सं. 261/33/87-आ.क. (न्या.) में केन्द्रीय प्रत्यक्ष कर बोर्ड निम्नलिखित संशोधनों को अधिसूचित करती है:—

(1) पृष्ठ 2 पर अनुसूची की अम संख्या 3 में अपीलीय सहायक आयुक्त रेंज-3 बंगलौर को 1-6-87 से शिमोगा परिमण्डल, शिमोगा, चित्रदुर्ग परिमण्डल चित्रदुर्ग और देवनगरी परिमण्डल देवनगरि के मामलों में अधिकार होगा।

(2) पृष्ठ सं. 2 पर अनुसूची की अम सं. 4 में अपीलीय सहायक आयुक्त, धारवाड़ रेंज, हुबली को दिनांक 1-6-87 से शिमोगा, चित्रदुर्ग और देवनगरि परिमण्डलों पर अधिकार नहीं होगा।

[सं. 7609 (फा.सं. 261/23/87-आ.क. (न्या.))
के.पी. गान्गुली,
विशेष कार्य अधिकारी (न्या.)]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 9th November, 1987

CORRIGENDUM

S.O. 315.—In notification No. 7315 (F. No. 261/33/87-IT) dated 27-5-87, the Central Board of Direct Taxes notified the following amendments:—

1. In schedule at S. No. 3 on page 2 the AAC—Range-III Bangalore will have the jurisdiction over cases of Shimoga Circle, Shimoga, Chitradurga Circle, Chitradurga and Davangere Circle, Davangere w.e.f. 1-6-87.
2. In Schedule at S. No. 4 on page-2 the AAC, Dharwar Range, Hubli will not have jurisdiction over Shimoga Chitradurga and Davangere Circles w.e.f. 1-6-87.

[No. 7609 (F. No. 261/23/87-IT)]

K. P. GANGULI, Officer On Special Duty (J)

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 18 जनवरी, 1988

शुद्धि पत्र

का.आ. 316:—वित्त मंत्रालय, आर्थिक कार्य विभाग (वैकिंग प्रभाग) की दिनांक 18 अगस्त, 1987 की अधिसूचना का.आ. संख्या 2346, जो दिनांक 5 सितम्बर 1987 के भारत के राजपत्र के भाग 2 खण्ड 3 (2) के पृष्ठ 2931 पर प्रकाशित ---

सारणी के अ.सं. 3, 4, 5 और 6 के कालम 1 में “महाप्रबंधक” शब्दों के स्थान पर, जहाँ कहीं वे आएं “उप महाप्रबंधक” शब्द पढ़े जायें।”

[संख्या 1 (5)/87-आई.एफ. 2]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 18th January, 1988

CORRIGENDUM

S.O. 316.—In the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Banking Division) No. S.O. 2346 dated the 18th August, 1987, published at page 2931 of the Gazette of India, Part II, section 3(ii) dated the 5th September, 1987,—

in the Table, against S. Nos. 3, 4, 5 and 6, in column 1, for "General Manager", wherever they occur, read "Deputy General Manager".

[No. 1(5)/87-IF.II]

नई दिल्ली, 21 जनवरी, 1988

का.आ. 317.— औद्योगिक वित्त नियम अधिनियम, 1948 (1948 का 15) की धारा 5 द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय औद्योगिक वित्त नियम द्वारा जारी की जाने वाली वारह करोड़ पचास लाख रुपए की अतिरिक्त योग्यता पर केन्द्रीय सरकार द्वारा गारंटीशुल्क वार्षिक लाभांश की न्यूनतम दर 6 प्रतिशत निर्धारित करती है।

[एफ. संख्या 6(29)/86—आई.एफ.-1]

पी.के. मल्होत्रा, अध्यर सचिव

New Delhi, the 21st January, 1988

S.O. 317.—In exercise of the powers conferred by section 5 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government hereby fixes the minimum rate of annual dividend guaranteed by the Central Government on the additional share capital of rupees twelve crores and fifty lakhs to be issued by the Industrial Finance Corporation of India, at 6 per cent.

[F. No. 6(29)86-IFI]

P. K. MALHOTRA, Under Secy.

औद्योगिक और वित्तीय पुनर्निर्माण बोर्ड

नई दिल्ली, 18 जनवरी, 1988

का.आ. 318.—केन्द्रीय सरकार, राजमासा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा औद्योगिक और वित्तीय पुनर्निर्माण बोर्ड का कार्यालय वित्त मंत्रालय (आर्थिक कार्य विभाग) को, जिसके कर्मचारिवन्द ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 11011/3/87-हिन्दी]

ए.बी. सेनगुप्ता, निवेशक (प्रशासन)

BOARD OF INDUSTRIAL AND FINANCIAL RECONSTRUCTION

New Delhi, the 18th January, 1988

S.O. 318.—In pursuance of sub-rule (4) of Rule 10 of and fifty lakhs to be issued by the Industrial Finance Corporation of India (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies that the staff of the office of the Board for Industrial and Financial

Reconstruction, Ministry of Finance (Department of Economic Affairs) have acquired a working knowledge of Hindi.

[No. 11011/3/87-Hindi]

A. B. SENGUPTA, Director (Admn.)

समाहर्तालय केन्द्रीय उत्पादन शुल्क भव्य प्रदेश

इन्दौर, 14 जनवरी, 1988

अधिसूचना सं. 2/1988

का.आ. 319 :—समाहर्तालय केन्द्रीय उत्पाद शुल्क, इन्दौर के श्री एस.एन. पाटिल, प्रशासनिक अधिकारी समूह "ख" निवारन की आयु प्राप्त करने पर दिनांक 31-12-87 के अपराह्न में शासकीय सेवा से नियून हो गए।

[पं स.-II (3) 3-गोप/87]

ना. राजा, समाहर्ता

CENTRAL EXCISE COLLECTORATE : M. P. .

Indore, the 14th January, 1988

NOTIFICATION NO. 02/1988

S.O. 319.—Shri S. N. Patil, Administrative Officer, General Excise Group 'B' of Indore Collectorate having attained the age of superannuation retired from Govt. Service on 31-12-87 in the afternoon.

[C. No. II(3)9-Con/87]

N. RAJA, Collector

वाणिज्य मंत्रालय

नई दिल्ली, 19 जनवरी, 1988

का.आ. 320 :—केन्द्रीय सरकार, काजू की गिरियों का निर्यात (कवालिटी नियंत्रण और निरीक्षण) नियम 1986 के अनुसरण में और भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 2949 तारीख 01, नवम्बर, 1980 को अधिकांत करते हुए इस अधिसूचना से उपाधिक सारणी के स्तम्भ (2) में उल्लिखित व्यक्तियों को निर्यात निरीक्षण अधिकारणों के विनियोग के विरुद्ध उक्त नियमों के अधीन अपील सुनने के प्रयोजन के लिए विशेषज्ञों के पैनल के रूप में नियुक्त करती है ;

परन्तु निर्यात निरीक्षण अधिकारण द्वारा किए गए विनियोग के विरुद्ध की गई अपील सुनवाई की उक्त सारणी के स्तम्भ (1) में उपर्याप्त स्थानों पर उसके स्तम्भ (2) में दर्शित किए गए स्थान के लिए गठत विशेषज्ञों के पैनल द्वारा की जाएगी ;

परन्तु यह और कि जहां उक्त पन्नों में से किसी का कोई कानूनी किसी अपील की विषय वस्तु में व्यक्तिगत रूप से हितबद्ध है, वहां वह उससे संबंधित कार्रवाइयों में भाग नहीं लेगा ।

मारणी	(1)	(2)
अपील की सुनवाई का स्थान विशेषज्ञों का पैनल गठित करने वाले व्यक्ति जिनको अपील हो सकती हैं		
(1)	(2)	
कुज्जीतुर्रह (कन्याकुमारी, निश्चयेन्टी और समिलनाड़ी के रामनाड के जिलों को सम्मिलित करते हुए)	<p>1 श्री पी. गोपीनाथ पिल्लई, मैसर्स लक्ष्मी काजू निगम, विवलान</p> <p>2 श्री ए. यूनूस कूजु, मैसर्स यूनूस काजू उद्योग, विवलान</p> <p>3 श्री पी. गोपीनाथन नैयर, मैसर्स जूपिटर काजू क. विवलान</p> <p>4 श्री पी. भारतन पिल्लई, मैसर्स प्रसियाटिक एक्सपोर्ट इंटरप्राइजिज, विवलान</p> <p>5 श्री के. रविन्द्र नाथन नैयर, मैसर्स विजयलक्ष्मी काजू क., विवलान</p> <p>6 सयुक्त निदेशक (पदेन), भारतीय मानक ब्यूरो, विवेन्द्रम</p> <p>7 ज्येष्ठ विपणन अधिकारी, प्रभारी (पदेन), विपणन और निरीक्षण निदेशालय, उपकार्यालय विलिंगड़न आईलैड, कोचीन-3</p> <p>8 उपनिदेशक, निर्यात निरीक्षण अभिकरण-कोचीन, उपकार्यालय विवलान, अगदस्य सर्योजक</p>	<p>3 प्रबंधक निदेशक मैसर्स केरल राज्य काजू विकास निगम लि. विवलान</p> <p>4 श्री के. जनादेन पिल्लई, मैसर्स राजभोहन काजू लि, विवलान</p> <p>5 श्री पी. गगाधरन पिल्लई, मैसर्स केरल नट फूड क., विवलान</p> <p>6 सयुक्त निदेशक (पदेन), भारतीय मानकब्यूरो, विवेन्द्रम</p> <p>7 ज्येष्ठ विपणन अधिकारी, प्रभारी (पदेन), विपणन और निरीक्षण महानिदेशालय, उपकार्यालय विलिंगड़न आईलैड, कोचीन-3</p> <p>8 उपनिदेशक, निर्यात निरीक्षण अभिकरण-कोचीन, उपकार्यालय विवलान, अगदस्य सर्योजक</p>
विवलान (केरल राज्य के विवलान, पठानाथीठत्ता अलप्पी, डुक्की और कोट्टायम जिलों को सम्मिलित करने हुए)	<p>1 श्री एन. सुन्दरस्वर्ण, मैसर्स एन. सुन्दरस्वर्ण, काजू निर्यातकार्ता, विवलान</p> <p>2 श्री सुजीर गणेश नायक, मैसर्स सुजीर गणेश नायक एंड क., विवलान</p>	<p>कोचीन (केरल राज्य के पर्सिकुलम और लिचुर जिलों को सम्मिलित करते हुए)</p> <p>1 श्री के. पी. जॉन मैसर्स डिलिशियल काजू क., इरजलकुड़ा</p> <p>2 श्री के. गोपीनाथन नैयर, मैसर्स के गोपीनाथन नैयर एंड क., विवलान</p> <p>3 श्री सी. के. सीमासुन्दरम, मैसर्स पैरिस लैसली इडिया लि, मगलीर-575001</p> <p>4 श्री के. कृष्ण पिल्लई, मैसर्स विनोद काजू निगम विवलान</p> <p>5 श्री टी. के. उस्मान मुस-लियर मैसर्स डायभेड काजू निगम, विवलान</p> <p>6 सयुक्त निदेशक (पदेन), भारतीय मानक ब्यूरो, विवेन्द्रम</p>

(1)	(2)	(1)	(2)
	7. ज्येष्ठ विष्णन श्रविकारी प्रभारी (पदेन), विष्णन और निरीक्षण महानिदेशालय, उपकार्यालय : विलिंगड़न आईलैड, कोचीन-3		8. उपनिदेशक, नियंति निरीक्षण अधिकरण-कोचीन, उपकार्यालय : मैग्लूर, अपदरा : संयोजक
	8. उपनिदेशक, नियंति निरीक्षण अभिकरण-कोचीन, एनकिलम, कोचीन-II असदस्य : संयोजक		1. श्री टी. के. शहलहसन मुमलियर, मैसर्स वेस्ट नड निगम, मद्रास
			2. श्री टी. आर. वी. मैलव-राज, मैसर्स टी. के. वैकटचलम् चैट्टी, पनश्ती
			3. श्री श्रीधरन पिल्लई, मैसर्स विजयलक्ष्मी काजू कं., किवलान
			4. श्री पी. गोपीनाथन नैयर, मैसर्स जूविटर काजू कं., किवलान
			5. श्री जी. अजीत कुमार, मैसर्स मालावार काजू नट्टस और संबद्ध उत्पाद, किवलान
			6. उपमहानिदेशक जनरल (पदेन), भारतीय मानक ब्यूरो, दक्षिणी भेत्रीय कार्यालय, मद्रास-600113
			7. उपकृषि विष्णन सलाहकार प्रभारी (पदेन), विष्णन और निरीक्षण नियोगी, क्षेत्रीय कार्यालय, मद्रास
			8. उपनिदेशक, नियंति निरीक्षण अभिकरण-मद्रास, मद्रास-600014 असदस्य : संयोजक
		2. फैनल की गणपूर्ति तीन से होगी।	

MINISTRY OF COMMERCE

New Delhi, the 19th January, 1988

S.O. 320.—In pursuance of rule 5 of the Export of Cashew Kernels (Quality Control and Inspection) Rules, 1986 and in supersession of the notification of the Government of India in the Ministry of Commerce No. S.O. 2949 dated the 1st November, 1980 the Central Government hereby appoints the persons mentioned in the column (2) of the Table annexed to this notification, as the Panel of Experts for the purpose of hearing appeals under the said rules against the decision of the Export Inspection Agencies.

Provided that an appeal against a decisions made by the Export Inspection Agency at places indicated in column (1) of the said Table shall be heard by the Panel of Experts constituted for that place as shown in Column (2) thereof:

Provided further that when a member of any of the said Panels is personally interested in the subject matter of any appeal, he shall not take part in the proceedings relating to that appeal.

TABLE

Place of Hearing of Appeal	Persons constituting the Panel of Experts to which Appeal lies.	(1)	(2)
KUZHITHURAI (covering the districts of Kanyakumari, Tirunelveli, and Ramanad of Tamil Nadu).	1. Mr. P. Gopinathan Pillai M/s. Laxmi Cashew Corporation QUILON.	COCHIN (covering the districts of Ernakulam and Thrissur of Kerala State)	3. The Managing Director, M/s. Kerala State Cashew Development Corporation Ltd., QUILON
	2. Mr. A. Younus Kunju M/s. Younus Cashew Industries QUILON.		4. Mr. K. Janardhanan Pillai, M/s. Rajmohan Cashews Ltd., QUILON
	3. Mr. P. Gopinathan Nair M/s. Jupiter Cashew Co. QUILON.		5. Mr. P. Gangadharan Pillai M/s. Kerith Nut Food Co., QUILON.
	4. Mr. P. Bharathan Pillai M/s. Asiatic Export Enterprises QUILON.		6. The Joint Director (Ex-Officio) The Bureau of Indian Standards TRIVANDRUM.
	5. Mr. K. Ravindranathan Nair M/s. Vijayalakshmi Cashew Co. QUILON.		7. The Senior Marketing Officer In-charge (Ex-Officio), Directorate of Marketing & Inspection Sub Office : Willingdon Island COCHIN-3
	6. The Joint Director, (Ex-officio) The Bureau of Indian Standards TRIVANDRUM.		8. The Deputy Director Export Inspection Agency-Cochin Sub Office : Quilon Non - Member - Convener.
	7. The Senior Marketing officer In-charge (Ex-officio) Directorate of Marketing & Inspection Sub office : Willingdon Island COCHIN-3.		1. Mr. K.P. Joh, M/s. Delicious Cashew Co., IRINJALAKUDA.
	8. The Deputy Director Export Inspection Agency-Madras Sub Office : Kuzhithurai Non-member-Convener		2. Mr. K. Gopinathan Nair, M/s. K. Gopinathan Nair & Co., QUILON.
QUILON (covering the districts of Quilon, Trivandrum, Pathanamthitta, Alleppey, Idukki and Kottayam of Kerala State)	1. Mr. N. Sundareswaran, M/s. N. Sundareswaran. Cashew Exporters QUILON.		3. Mr. C K. Soma Sundaram, M/s. Peirce Leslie India Ltd., MANGALORE - 575 001.
	2. Mr. Sujir Ganesh Nayak M/s. Sujir Ganesh Nayak & Co QUILON.		4. Mr. K. Krishna Pillai, M/s. Bindu Cashew Corporation QUILON.
			5. Mr. T.K. Usman Musaliar, M/s. Diamond Cashew Corporation, QUILON.
			6. The Joint Director (Ex-Officio) The Bureau of Indian Standards TRIVANDRUM.
			7. The Senior Marketing Officer In-charge (Ex-Officio) Directorate of Marketing & Inspection Sub Office : Willingdon Island COCHIN-3
			8. The Deputy Director Export Inspection Agency, Cochin, Ernakulam, Cochin-11 Non - Member - Convener.

(1)	(2)	(1)	(2)
Calicut, Goa and Mangalore (Covering the districts of Calicut, Palghat, Malappuram, Wynad, Cannanore and Kasargode of Kerala State, Goa State, Karnataka State and the Union Territory of Daman & Diu).	1. Mr. Mizar Sadananda Pai M/s. Mizar Govinda Annappa Pai & Sons Mangalore. 2. Mr. S. Suresh Nayak M/s. Nayak Trading Co.,	7. The Deputy Agricultural Marketing Adviser in-charge (Ex-Officio) Director of Marketing and Inspection Regional Office MADRAS. 3. The Deputy Director Export Inspection Agency, Madras MADRAS—600 014. Non-Member - Convener.	
QUILOON.		2. The quorum of the Panel shall be three. [F.No. 6(25)/86 (EI&EP)]	
REST OF INDIA (all other areas not covered by the other panels)	3. Mr. Ramnath Kamath M/s. Bola Raghavendra Kamath & Sons, Kukkundur, Karkala. 4. Mr. K. Subraya Anantha Kamath Ms. K. Subraya Anantha Kamath & Sons, KASARGODE. 5. Mr. Suresh Narayan Prabhu Zantye M/s. Narayan Ganesh Prabhu Zantye, GOA. 6. The Joint Director (Ex-Officio) The Bureau of Indian Standards TRIVANDRUM. 7. The Senior Marketing Officer In-charge (Ex-Officio) Directorate of Marketing and Inspection Sub Office : Willingdon Island Cochin-3. 8. The Deputy Director Export Inspection Agency-Cochin, Sub Office : Mangalore Non-Member-Convener.	का. आ. 321—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मैसर्स उषा मार्टिन इंडस्ट्रीज लिमिटेड, टाटीसिलवर्ड 835103 रांची में विनियित इस्पात के तार की लड्डियों (6 मि. मी. से 32 मि. मी.) का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स उषा मार्टिन इंडस्ट्रीज लिमिटेड को जिनका रजिस्ट्रीकृत कार्यालय 14 प्रिसेप स्ट्रीज, कलकत्ता-700072 में हैं, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए नियन्त्रित शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देती है, अर्थात्:—	
	1. Mr. T.K. Shahal Hassan Musaliar M/s. Best Nut Corporation, MADRAS. 2. Mr. T.R.V. Selvaraj M/s. T.R. Vankitachalam Chetty PANRUTI. 3. Mr. Sreadharan Pillai M/s. Vijayalaxmi Cashew Co., QUILOON 4. [Mr. P. Gopinathan Nair M/s. Jupiter Cashew Co., QUILOON 5. Mr. G. Ajit Kumar M/s. Malabar Cashew Nuts & Allied Products, QUILOON. 6. The Deputy Director General (Ex-Officio) The Bureau of Indian Standards Southern Regional Office MADRAS-600 113.	1. कि मैसर्स उषा मार्टिन इंडस्ट्रीज लिमिटेड, मैसर्स उषा मार्टिन इंडस्ट्रीज लिमिटेड, टाटीसिलवर्ड 835103 रांची में विनियित इस्पात के तार की लड्डियों (6 मि. मी. से 32 मि. मी.) का निर्यात से पूर्व नियंत्रण करेगी और वह ऐसे अधिकारी के तकी ही नियंत्रण में किया जाएगा जो नियति नियीक्षण अभिकरण कलकत्ता के उपर नियंत्रक के पद से नीचे का न हो और इस प्रयोजन के लिए मैसर्स उषा मार्टिन इंडस्ट्रीज लिमिटेड, टाटीसिलवर्ड, रांची में स्थित ग्रन्ती यूनिट द्वारा नियंत्रित की गई वस्तुओं का पोत पर्याप्त निःशुल्क (फ्री ओन वोर्ड) मूल्य 0.1 प्रतिशत की दर से राशि नियति नियीक्षण अभिकरण कलकत्ता को देती जो एक वर्ष में कम से कम दो हजार पाँच सौ रुपए और अधिक से अधिक एक लाख रुपए होगी। 2. कि मैसर्स उषा मार्टिन इंडस्ट्रीज लिमिटेड इस अधिक सूचना के अधीन अपने कृत्यों के पालन में ऐसे नियंत्रण द्वारा आवद्ध होगी जो नियंत्रक (नियीक्षण एवं क्वालिटी नियंत्रण) समय समय पर लियित रूप में दे।।	

स्पष्टीकरण:— इस अधिसूचना के प्रयोजन के लिए “इस्पात के
तार की लड्डियों” से गोल या आकार दी

हुई गोदै या इस्पात की तारें, कोटि या विंग कोट की हुई एक विनिर्दिष्ट ढंग में एक या अधिक तहों में धुरी के चारों ओर कुण्डलाकार रूप में वड़ी हुई और विद्युत सचरण पावर लाइलों, एयूमिनियम इन्डस्ट्रीज इस्पात के तुन : वेनिंग कन्डिटर कोर, अर्थ तारों, प्टेनारों, गाई तारों, संवाहक तारों स्पान तारों, पहले से दबा हुई कॉटी, सूत्र व प्रयोजनों जैसे के तिर गोदै तथा सम्बद्ध प्रयोग के लिए प्रभित्रेत है।

[काईल सं. 5 (1)/38 ई आई एंड ई पी]

S.O. 321.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. Usha Martin Industries Ltd., having their registered office at 14, Princep Street, Calcutta-700072, as the Agency for a period of three years from the date of publication of this notification in the Official Gazette for inspection of Steel Wire ropes (1mm to 250mm) and Steel Locked Coil Wire ropes (16mm to 19mm) manufactured at M/s. Usha Martin Industries Ltd., Tatisilwai-835103, Ranchi, prior to export subject to the following conditions, namely —

1. That M/s. Usha Martin Industries, Ltd., shall carry out the inspection of Steel Wire Ropes (1MM to 250mm) and Steel locked coil wire ropes (16mm to 19mm) manufactured at M/s. Usha Martin Industries, Tatisilwai-835103 Ranchi prior to export under the technical control of an officer not below the rank of Additional Director of the Export Inspection Agency-Calcutta and for this purpose M/s. Usha Martin Industries Ltd., shall pay to the Export Inspection Agency-Calcutta an amount at the rate of 0.1 percent of the f.o.b. (free on board) value of the items exported from their unit at M/s. Usha Martin Industries Ltd., Tatisilwai, Ranchi subject to a minimum of rupees two thousand five hundred and maximum of rupees One lakh in a year.
2. That M/s. Usha Martin Industries Ltd., in the performance of its functions under this notification shall be bound by such directions as the Director (Inspection and Quality Control) may give to it in writing from time to time.

Explanation.—For the purpose of this notification 'Steel Wire Ropes' mean ropes manufactured by forming steel wire stands in a specified manner with or without fibre core—where steel wire stand means a number of round or shaped steel wires helically laid about an axis in one or more layers in a specified manner—and meant for applications such as haulage, winding, hoisting, drilling or for any other allied use, but shall not include steel wire stands.

[F. No. 5(1)/88-EI&EP]

का. आ. 322:—नियंत (क्वालिटी नियंत और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए, केन्द्रीय सरकार, मैसर्स उषा मार्टिन इन्डस्ट्रीज लिमिटेड, टाटीसिलवर्क-835103, राँची में विनिर्मित इस्पात की तार की (रसों 1 मि. मी. से 250 मि. मी.)

तथा इस्पात के लाई कायल तार के रसों (16 मि. मी. से 19 मि. मी.) का नियंत्रित से पूर्व निरीक्षण करने के लिए मैसर्स उषा मार्टिन इन्डस्ट्रीज लिमिटेड को तितका रजिस्ट्रीड नार्याजिय 14 प्रिसेप श्रीड, कनहता-700072 में है इस अधिसूचना के गणपत्र में प्रकाशन की सारी वार्ता नीः वर्ष के लिए फिलिपिन शर्तों के अन्वया रहते हुए समिकरण के लिए मान्यता देनी है, अर्थात् —

1. कि मैसर्स उषा मार्टिन इन्डस्ट्रीज लिमिटेड, मैसर्स उषा मार्टिन इन्डस्ट्रीज, टाटीसिलवर्क-835103 राँची में विनिर्मित इस्पात के तार के रसों (1 मि. मी. से 250 मि. मी.) तथा इस्पात के लाई कायल तार के रसों (16 मि. मी. से 19 मि. मी.) का नियंत्रित से पूर्व निरीक्षण करेगी जो ऐसे अधिकारी के तकनीकी नियंत्रण में किया जाएगा जो नियंत्रित निरीक्षण अभिकरण कलकत्ता के अपर फ्रिजेश के पद से नीचे का न हो और इस प्रयोजन के लिए मैसर्स उषा मार्टिन इन्डस्ट्रीज लिमिटेड, मैसर्स उषा मार्टिन इन्डस्ट्रीज लिमिटेड, टाटीसिलवर्क, राँची में स्थित अपनी यूनिट में नियंत्रित की गई वस्तुओं का पोत वर्षन ति : शुल्क (फी ओन बोर्ड) मूल्य 0.1 प्रतिशत की दर ने गणि नियंत्रित निरीक्षण अभिकरण—कलकत्ता को देगी जो एक वर्ष में कम से कम दो हजार पाँच सौ रुपए तथा अधिक से अधिक एक लाख रुपए होगी।
2. कि मैसर्स उषा मार्टिन इन्डस्ट्रीज लिमिटेड इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आवश्य होगी जो निरेशक निरीक्षण एवं क्षात्रिय नियंत्रण गमन समय पर निश्चित रूप में दे।

स्पष्टीकरण इस अधिसूचना के प्रयोजन के लिए "इस्पात के तार के रसों" से फाईबर कोर महिन या रहित एक विनिर्दिष्ट ढंग में इस्पात के तार की लड़ियां बनाते हुए रस्मे अभिप्रेत हैं जहाँ इस्पात के तार की लड़ियों में गोत की दी हुई या किसी आकार की वहन सारी इस्पात की लड़िया अभिप्रेत हैं जो एक वानरिंग ढंग में धुरी के चारों ओर एक या अधिक तहों में कुण्डलाकार रूप से पड़ी हुई है — और कर्णण, लपेटन, उत्तोला, तेलकूप बेघन या इसी अन्य सम्बद्ध प्रयोगों के लिए प्रयोगित है परन्तु उसमें इस्पात के तार की सड़ियां समिक्षित नहीं हैं।

[काईल सं. 5 (1)/88 ई आई एंड ई पी

S.O. 322.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. Usha Martin Industries Ltd., having their registered office at 14, Princep Street, Calcutta-700072, as the Agency for a period of three years from the date of publication of this notification in the Official Gazette for inspection of Steel Wire Stands (6mm to 32mm) manufactured at M/s. Usha Martin Industries Ltd., Tatisilwai-835103, Ranchi prior to export subject to the following conditions, namely :—

1. That M/s. Usha Martin Industries Ltd., shall carry out the inspection of Steel Wire Stands (6mm to 32mm) manufactured at M/s. Usha Martin Industries, Tatisilwai-835103 Ranchi prior to export under the Technical control of an officer not below the rank of Additional Director of the Export Inspection Agency—Calcutta and for this purpose M/s. Usha Martin Industries Ltd., shall pay to the Export Inspection Agency—Calcutta an amount at the rate of 0.1 percent of the f.o.b. (free on board) value of the items exported from their unit at M/s. Usha Martin Industries Ltd., Tatisilwai, Ranchi subject to a minimum of rupees two thousand five hundred and maximum of rupees one lakh in a year.
2. That M/s. Usha Martin Industries Ltd., in the performance of its functions under this notification shall be bound by such directions as the Director (Inspection and Quality Control) may give to it in writing from time to time.

Explanation.—For the purpose of this notification 'Steel Wire Stands' shall mean a number of round or shaped iron or steel wires, coated or uncoated, helically laid about an axis in one or more layers in a specified manner and meant for application such as electric transmission power lines, aluminium, conductor, steel reinforced conductor cores, earth wires, stay wires, guy wires, messenger wires, span wires, prestressed concrete, signalling purposes and such allied uses.

[F. No. 5(1)/88-EI&EP]

का.आ. 323.—नियति (क्वालिटी नियंत्रण और नियीकण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उड़ीसा सरकार विश्लेषण प्रयोगशाला, जयपुर रोड (जिला कटक) तथा जोडा (जिला क्योंजर को) इससे उपावन्ध अनुसूची में विनिर्दिष्ट खनिज तथा और अयस्क ग्रुप-II के नियंत्रण के लिए अभिकरण के रूप में एक वर्ष की अधिकारी के लिए एतद्वारा मान्यता देती है।

अनुसूची

1. मैग्नीज डायमेसाईड रहित, कच्चा मैग्नीज
2. कच्चा लोहा
3. फैरोमैग्नीज स्लेग सहित फैरोमैग्नीज
4. निरुत्पन्न बास्साईड सहित बास्साईड

[फारम० 5(3)/87-ई.आई.एण्ड ई.पी.]

S.O. 323.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year the Government of Orissa Analytical Laboratories at Jaipur Road, (Distt. Cuttack) and Joda (Distt. Keonjhar) as the agency for inspection of the Minerals and Ores Group I, specified in Schedule annexed hereto.

195 G 1/88-2

SCHEDULE

1. Manganese Ore, excluding manganese dioxide.
2. Iron Ore.
3. Ferromanganese, including ferromanganese slag.
4. Bauxite, including calcined bauxite.

[F. No. 5(3)/87-EI&EP]

का.आ. 324.—नियति (क्वालिटी नियंत्रण और नियीकण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, उड़ीसा सरकार विश्लेषण प्रयोगशाला, जयपुर रोड (जिला कटक) तथा जोडा (जिला क्योंजर) को इससे उपावन्ध अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क ग्रुप-II, का नियंत्रण करने के लिए एक वर्ष की अधिकारी के लिए अभिकरण के रूप में मान्यता देती है।

अनुसूची

1. मैग्नीज डायमेसाईड
2. संकेन्द्रित कोमसहित कच्चा कोम
3. कायनाइट
4. सिलीमेनाईट
5. संकेन्द्रित जिक सहित कच्चा जिक
6. परिदध्य और निरुत्पन्न मैग्नेसाईड सहित मैग्नेसाईट
7. बैरोइटिस
8. लाल ब्राक्साईट
9. पीला गैरिक
10. सेलेंखली
11. स्फतोय फल्डस्पार

[फारम० 5(3)/87-ई.आई.एण्ड ई.पी.]

S.O. 324.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year the Government of Orissa Analytical Laboratories at Jaipur Road, (Distt. Cuttack) and Joda (Distt. Keonjhar) as the agency for inspection of the Minerals and Ores Group II, specified in Schedule annexed hereto.

SCHEDULE

1. Manganese Dioxide.
2. Chrome ore, including chrome concentrates.
3. Kyanite.
4. Sillimanite.
5. Zinc ores, including zinc concentrates.
6. Magnesite, including dead-burnt and calcined magnesite.
7. Barytes.
8. Red Oxide.
9. Yellow Ochre.
10. Steatite.
11. Feldspar.

[F. No. 5(3)/87-EI&EP]

का.आ. 325.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मैसर्स पेस्ट कन्डोल कैमिकल्स, कमर्शियल रोड, काकीनाडा को अर्थव्युभिन्नियम फासफाइड का निम्नलिखित मदों के लिए धम्भुक के रूप में प्रयोग करते हुए, धुम्रीकरण के लिए अभिकरण के रूप में एक और वर्ष की अवधि के लिए मान्यता देती है।

- (1) तेज रहित चावल की भूसी, और
- (2) हड्डी का चूरा, खुर और सोंग

[फाइल सं. 5(12)/83-ई.आई.एण्ड ई.पी.]

० ३२५.—In exercise of powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of one year M/s. Pest Control Chemicals, Commercial Road, Kakinada as an agency for the fumigation using Aluminium Phosphide as a fumigant for the following items :—

1. De-oiled Rice Bran, and,
2. Crushed Bones, Hooves and Horns.

[F. No. 5(12)/83-EI&EP]

का.आ. 326.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा मैसर्स पेस्ट मोरेटन (इंडिया) प्राइवेट लिमिटेड, 51-4-8/1, मेकवान स्ट्रीट, जगन्नाकीपुर काकीनाडा-533002 को निम्नलिखित मदों के धुम्रीकरण के लिए अभिकरण के रूप में एक और वर्ष की अवधि के लिए मान्यता देती है :—

1. तेज रहित चावल की भूसी, और
2. हड्डी का चूरा और सोंग।

[फाइल सं. 5(3)/86-ई.आई.एण्ड ई.पी.]

० ३२६.—In exercise of powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of one year M/s. Pest Mortem (India) P. Ltd. 31-4-8/1, Mekavari Street, Jagannaickpur, Kakinada-533002 as an agency for the fumigation of following items :—

1. De-oiled Rice Bran, and
2. Crushed Bones, Hooves and Horns.

[F. No. 5(3)/86-EI&EP]

का.आ. 327.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मैसर्स पेस्ट कन्डोल कैमिकल्स, कमर्शियल रोड, काकीनाडा को अर्थव्युभिन्नियम फासफाइड का निम्नलिखित मदों के लिए धम्भुक के रूप में प्रयोग करते हुए, धुम्रीकरण के लिए अभिकरण के रूप में एक और वर्ष की अवधि के लिए मान्यता देती है :—

धातु के अधीन खनिज तथा अयस्क (भूप-1) के निरीक्षण के लिए अभिकरण के रूप में एक वर्ष की अवधि के लिए मान्यता देती है :—

[फाइल सं. 5(8)/86-ई.आई.एण्ड ई.पी.]

एन. एस. हरिहरन, निवेशक

S.O. 327.—In exercise of powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period one year M/s. Dr. R. C. Amin (Cargo Superintendents Surveyors, Samplers and Analyzers), 61, Chinathambi Street, Madras-600001, as an agency for the inspection of Iron Ores under Minerals & Ores (Group-I).

[F. No. 5(8)/86-EI&EP]

N. S. HARIHARAN, Director

मुख्य नियंत्रक, आयात-नियर्ति का कार्यालय

नई दिल्ली, 11 जनवरी, 1988

का.आ. 328.—पैसर्व इन्ड्रोनिक सर्केट्स लिमिटेड, 2/3 सराय जुलैना, ओखला रोड, नई दिल्ली-110025 को आई.सी.आई.सी.आई. से विदेशी मुद्रा ऋण के अधीन पूँजीगत माल के आयात के लिए 12,00,000/-रुपये (डी. एम. 97,900 एवं 41,030 अमरीकी डॉलर) मूल्य का एक आयात लाइसेंस सं. पी.सी.जी./2042181 दिनांक 16-7-1987 दिया गया था। फर्म ने उपर्युक्त लाइसेंस को अनुलिपि सीमाशुल्क प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रति खो गई या अस्थानस्थ हो गई है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक दिल्ली के सम्मुख विधिवत् शपथ लेकर स्टाम्प कागज पर एक शपथ-पत्र दाखिल किया है। मैं तदनुसार संतुष्ट हूँ कि आयात लाइसेंस सं. पी.सी.जी./2042181, दिनांक 16-7-87 की सीमाशुल्क प्रयोजन प्रति फर्म द्वारा खो गई या अस्थानस्थ हो गई है। यथा-संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा (ग) के अधीन प्रवत्त अधिकारों का प्रयोग करते हुए मैसर्स हैलेव्हो-निक सर्केट्स लिमिटेड, नई दिल्ली को जारी की गई उक्त सीमाशुल्क प्रयोजन प्रति सं. पी.सी.जी./2042181 दिनांक 16-7-87 एतद्वारा रद्द की जाती है।

3. उक्त आयात लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति पार्टी को अलग से आरी की जा रही है।

[सं. सी.जी.-3/1277/6/85-86]

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 11th January, 1988

S.O. 328.—M/s. Electronics Circuits Limited, 2/3 Sarai Jullend, Okhla Road, New Delhi-110025 were granted an import licence No. P/CG/2042181 dated 16-7-87 for Rs. 12,00,000 only (DM 97,900 & US\$ 41,030) for import of Capital Goods under Foreign Exchange Loan from ICICI. The firm has applied for issue of duplicate copy of Custom

copy of the above mentioned licence on the ground that the original Custom copy of the licence has been lost or misplaced. It has further been stated that the licence has not been registered with the Customs authorities. The value of Custom purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public at Delhi. I am accordingly satisfied that the original Custom purpose copy of import licence No. P/CG/2042181 dated 16-7-87 has been lost or misplaced by the firm. In exercise of the powers conferred under clause (C) of the Imports (Control) Order, 1955, dated 7-12-1955, as amended, the said Customs purpose copy No. P/CG/2042181 dated 16-7-87 issued to M/s. Electronic Circuits Limited, New Delhi, is hereby cancelled.

3. Duplicate Customs purpose copy of the said import licence is being issued to the party separately.

[No. CG. III/1277/6/85-86]

नई दिल्ली, 6/13 जनवरी, 1988

आदेश

का.आ. 329:—मैसर्स बजाज टैम्पो लि., अकुरुडी, पुणे-411035 को आई. एफ. सी. (बांगलादेश) कर्ण के अन्तर्गत, विन मंत्रालय (आर्थिक कार्य विभाग) के पत्र सं. 1 (12)/86-ए.फ. वी.-6, दिनांक 24-3-87 के द्वारा अनुमोदन में, उल्लिखित शर्तों के अध्याधीन पंपों इत्यादि सहित पूर्ण अल्ट्रा फिल्टर यूनिट के आयात के लिए 88,77,100/- रुपये (अट्टासी लाख सत्तर हजार और एक सौ रुपये मात्र) का एक आयात लाइसेंस सं. पी/सी. जी./2103064/एस./आई. एफ./03/एच./87/सी. जी० 1/एल.एस., दिनांक 25-2-87 जारी किया गया था।

उक्त फर्म ने विनियम नियंत्रण प्रयोजनों के लिए ऊपर उल्लिखित लाइसेंस की अनुलिपि इस आधार पर जारी करने के लिए आवेदन किया है कि लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खोया अस्थानस्थ हो गई है। पार्टी ने शाये यह भी बताया है कि लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति को सिटी-बैंक, एन. ए., बम्बई के पास पंजीकृत कराया गया था और आर्थिक रूप से मुद्रा विनियम नियंत्रण प्रति के मूल्य में से 78,58,499/- रुपये का उपयोग किया गया है।

2. अपने तर्क के समर्थन में लाइसेंसधारक ने नोटरी प्रतिक पुणे के समक्ष विधिवत शाय लेकर स्टाम्प पेपर पर एक शपथपत्र दाखिल किया है तदनुसार मैं संतुष्ट हूँ कि माल सूची नहिं, आयात लाइसेंस सं. पी./सी. जी./2103064, दिनांक 25-2-87 की मूल मुद्रा विनियम नियंत्रण प्रति द्वारा खो अथवा दराधारा अस्थानस्थ हो गई है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (गग) के अन्तर्गत प्रदत्त अधिकारों का उपयोग करते हुए रिंसर्स बजाज टैम्पो लि. पुणे को जारी उक्त मूल मुद्रा विनियम नियंत्रण प्रति सं. पी./सी. जी./2103064 दिनांक 25-2-87 को एतद्वारा रद्द किया जाता है।

3 पार्टी को 10,18,610/-रुपये मूल्य के उत्तराहसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति अलग से जारी की जा रही है।

[सं. 727/7/86-87/सी.जी.-1/648]

पाल बैंक, उप मुख्य नियंत्रक, आयात-नियंत्रित बृत्त मुख्य नियंत्रक, आयात नियंत्रित

New Delhi, the 6/18th January, 1988

ORDER

S.O. 329.—M/s. Bajaj Tempo Ltd., Akurdi, Pune 411035 ने एक अप्रूवित लाइसेंस नं. P/CG/2103064/जि.एस./03-8/1/CG.I/LS dated 25-2-87 (रु. 88,77,100 (रुपये लाखों लाख सौ लाख सौ रुपये मात्र)) के लिए एक अल्ट्रा फिल्टर यूनिट के आयात के लिए अनुमोदन दिया गया था। इस लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति को सिटी-बैंक, एन. ए., बम्बई के पास पंजीकृत कराया गया था और आर्थिक रूप से मुद्रा विनियम नियंत्रण प्रति के मूल्य में से 78,58,499/- रुपये का उपयोग किया गया था।

The firm has applied for issue of Duplicate copy of Ex. Control purposes copy of the above mentioned Licence on the ground that the original Exchange Control copy of the licence has been lost or misplaced. It has further been stated that the Ex. Control copy of the licence was registered with Citibank, N. A., Bombay and as such the value of Exchange Control copy has been utilised partly to the extent of Rs. 78,58,499.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Pune. I am accordingly satisfied that the original Ex. Control Copy of Import Licence No. P/CG/2103064 dated 25-2-87 alongwith list of goods has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Ex. Control copy No. P/CG/2103064 dated 25-2-87 issued to M/s. Bajaj Tempo Ltd., Pune is hereby cancelled.

3. A duplicate Ex. Control copy of the said Licence is being issued to the party for a value of Rs. 10,81,610 separately.

[No. 727/7/86-87/CG.I/648]

PAUL BECK, Dy. Chief Controller of

Imports & Exports
for Chief Controller of Imports & Exports

उद्योग मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 21 जनवरी, 1988

का० आ० 330:—कम्पनी अधिनियम, 1956 (1956 का 1) की प्रारंभ 4क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा भारत सरकार, विधि न्याय और कम्पनी कार्य मंत्रालय (कम्पनी कार्य विभाग) की अधिसूचना सं. सा० था० 1329 दिनांक 8 मई, 1978 में निम्नलिखित संणीचन करती है नामशः—

उक्त अधिसूचना में प्रविष्ट (6) के बाद निम्नलिखित प्रविष्ट अन्तःस्थापित होगी नामशः—

“(7) दी शिपिंग फ्रेडिट एण्ड इन्वेस्टमेंट कम्पनी आफ इंडिया लि० कम्पनी अधिनियम, 1956 (1956 का 1) के अन्तर्गत बनी एवं पजीकृत ।”

[का० सं. 3/9/87 सी०एल.५]

उमेश प्रसाद माथुर, निदेशक

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 21st January, 1988

S.O. 330.—In exercise of the powers conferred by sub-section (2) of section 4A of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) No. S.O. 1329, dated the 8th May, 1978, namely :—

In the said notification, after entry (6), the following entry shall be inserted, namely :—

"(7) The Shipping Credit and Investment Company of India Limited, formed and registered under the Companies Act, 1956 (1 of 1956)."

[F. No. 3/9/87-CL.V]
U. P. MATHUR, Director

भरत संसाधन

मई दिल्ली, 20 जनवरी, 1988

का० आ० 331.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ मैसूर के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 7-1-88 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 20th January, 1988

S.O. 331.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of Mysore and their workmen, which was received by the Central Government on 7-1-1988.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT BANGALORE

DATED : 2nd Day of January 1988

Sri B. N. Lalge, B.A. (Hons) LL.B. Presiding Officer

Central Reference No. 65/87

Old Central Reference No. 30/86

First Party :—Narasimha Murthy Peon, The General Secretary, State Bank of Mysore Employees Union, 523, Avenue Road, Bangalore-560002.

V/S

Second Party :—The Chairman, & Managing Director, State Bank of Mysore, Head Office, K.G. Road, Bangalore-560009.

APPEARANCES :

For the first party Sri N. Sampath Kumar, Advocate,
For the second party Sri C. M. Nagabhushan, Advocate,

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, the Government of India, Ministry of

Labour made the present reference on the following point of dispute, to the State Government Industrial Tribunal, by order No. L-12012/12/86-D-II (A) dated 12-11-1986. Subsequently it has been transferred to this Tribunal, by a General Order No. L-11025/A/87-D-IV (B) dated 13-2-1987. It is at Sl. No. 67.

POINT OF DISPUTE

"Whether the action of the management of State Bank of Mysore, Bangalore in dismissing from service Shri Narasimhamurthy, Peon, N.G.E.F. Branch with effect from 12-1-1985 is justified ? If not, to what relief is the concerned workman entitled ?"

2. Thereupon the first party union has filed its claim statement and its contentions, in brief are as follows :—

Narasimha Murthy is a member of the first party union. He was working as a peon in the N.G.E.F. branch of the second party. A charge sheet was issued to him alleging that he had temporarily misappropriated the proceeds of postal orders received between 9-8-1982 and 23-9-1982. An enquiry officer was appointed for holding an enquiry against him. He was biased. He did not follow the principles of natural justice. He was found guilty. The disciplinary authority then dismissed him. Then the dispute was raised. The finding of the enquiry officer is illegal. He has acted on the basis of inadmissible evidence. The workman was not given opportunity to cross-examine the witnesses. The order of the appellate authority is not a speaking order. Hence it is prayed that the order may be set aside and he may be ordered to be re-instated with consequential benefits.

3. The second party has filed its counter statement and inter-alia it is contended as follows :—

It is not proved that the enquiry officer was biased, or that he did not conduct the enquiry, in accordance with the principles of natural justice. He has followed the principles of natural justice and given him opportunity to cross-examine the witnesses. He gave his findings and then the disciplinary authority has dismissed him. The appellate authority has passed a regular order. The order is proper and correct.

The workman has forfeited the confidence of the management. The reference may be rejected.

4. In view of the said pleadings an additional issue as shown below was framed.

Whether the second party proves that it has held a domestic enquiry in accordance with law ?

5. It was taken up as a preliminary issue.

6. Both the parties then adduced evidence and were heard on the said issue. By a considered order dated 26-10-1987, this Tribunal has held that the second party has held the domestic enquiry in accordance with law.

7. Thereafter the parties were called upon to adduce evidence on rest of the points and argue.

8. No additional evidence has been adduced by either party.

9. The parties have been heard.

10. My finding on the point of dispute is as follows :—

The management was justified in dismissing Sri Narasimha Murthy Peon B.G.E.F. branch with effect from 1-1-85 and he is not entitled to any relief.

REASONS

11. The main contention of the first party is that the findings are perverse and that the order of dismissal based on such findings cannot be sustained.

12. Perversity is two-fold. If the finding is not supported by any legal evidence, or if no reasonable person can arrive at such a finding, on the basis of the material placed on record, then the findings can be said to be perverse.

13. The learned counsel for the first party did not point out to any oral or any documentary evidence, to support his argument that it is a case where finding is based on no legal evidence. The first part of the test cannot be invoked.

14. The charge sheet issued to him is at Ex. M-2. It is dated 28-2-1983 it reads as follows :—

REGION I

CHARGE SHEET

Please show cause, why disciplinary action should not be taken against you for the following charges :—

"During the period from 6th August 1982 to 23rd September 1982, when you were working as peon at our NGEF branch, you have received moneys from the sub-post master, Byappanahalli post office, representing the proceeds of postal orders sent for collection through you by our NGEF branch and you are alleged to have temporarily misappropriated the amounts without crediting the same to Bank Accounts immediately on realisation.

More particularly, you appear to have collected the amounts shown here-under and temporarily misappropriated the amounts".

Sl. No.	Date on which the postal orders sent through you	S.C. No.	Amount	Date on which payments received by you at post office	Date on which remittance made to Bank
1	2	3	4	5	6
1.	06-08-82	67	206.00	07-08-82	05-11-82
2.	06-08-82	68	192.00	07-08-82	-do-
3.	20-09-82	99	195.00	20-09-82	-do-
4.	20-09-82	100	188.00	20-09-82	-do-
5.	20-09-82	101	192.00	20-09-82	-do-
6.	20-09-82	102	188.00	20-09-82	-do-
7.	20-09-82	103	193.00	20-09-82	-do-
8.	23-09-82	108	183.00	23-09-82	-do-
9.	23-09-82	109	193.00	23-09-82	-do-
10.	23-09-82	110	189.00	23-09-82	-do-
11.	23-09-82	111	186.00	23-09-82	-do-
12.	23-09-82	112	194.00	23-09-82	-do-
13.	23-09-82	113	195.00	24-09-82	-do-
14.	23-09-82	114	397.00	24-09-82	-do-
15.	23-09-82	115	186.00	24-09-82	-do-
16.	23-09-82	116	184.00	23-09-82	-do-
17.	23-09-82	117	182.00	23-09-82	-do-
18.	23-09-82	118	389.00	23-09-82	-do-
19.	23-09-82	119	200.00	23-09-82	-do-
20.	23-09-82	120	398.00	23-09-82	-do-
21.	23-09-82	121	104.00	23-09-82	-do-
22.	23-09-82	122	186.00	23-09-82	-do-
23.	23-09-82	123	189.00	23-09-82	-do-
24.	23-09-82	124	195.00	23-09-82	-do-
25.	23-09-82	125	194.00	23-09-82	-do-
26.	23-09-82	126	198.00	23-09-82	-do-
5,496.00					

2. This alleged act of yours, amounts to misappropriation of funds belonging to the Bank, an act highly prejudicial to the interest of the Bank, a gross misconduct in terms of paragraph 19.5 (J) of the bipartite settlement.

3. You are hereby required to submit your explanation within seven days from the date of receipt of this letter failing which it would be construed that you have no explanation to offer".

15. In order to prove the said charge, the management examined the branch manager, accountant, the post master and two other employees of the Bank. The bank produced certain documents and they are marked by the enquiry officer as BEX. 1 to Ex. 10. The enquiry officer has received the written arguments of both the sides and thereafter he has given his findings. His findings are at pages 71 to 78 of the file and that portion is marked as Ex. M-27. Looking at the

allegations made against him in the charge sheet, the management had the burden to prove that the workman, when he was working as a peon of the NGEF branch between 6th August 1982 and 23rd September 1982 had received various amounts from the sub post master of Byappanahalli post office, as the proceeds of the postal orders sent by the branch for collection, and did not credit the proceeds immediately but credited only on 5-11-1982 and was thus guilty of misappropriation. The mis-conduct alleged against him is shown to be of clause (j) of para 19.5 of the bipartite settlement. Clause (j) reads as follows :—

"Doing any act prejudicial to the interest of the bank or gross negligence or negligence involving the bank in serious loss". Now it requires to be examined whether the management has proved that the workman ever received the said amount from the sub-post master as the proceeds of the postal orders of the second party bank on the respective

dates shown in column No. 5 of the charge sheet, and whether he dictated the same only 5-11-1982. Ex. M-24 at page 11 shows that the enquiry started on 8-2-1982. The first witness shown in the list Mr. Suryanarayana Rao was found to be ill and therefore M. V. Raghavendra Rao, shown as BW-2 has been examined. His evidence discloses that he had received some complaints, against the workman and then he examined the accounts and found that there were long outstanding in the postal order collections. He has then stated that he advised his accountant B. V. Suryanarayana Rao to go to the post office personally along with the outstanding entries and check up with the post-master about the same. He then states that on due verification, the post-master had confirmed that there was no outstanding as on the date of checking and all the amounts were paid to the workman Narasimhamurthy. It further appears in his evidence that then he reported the matter to the regional manager as per Ex. M-13 (BEX.1). The contents of Ex. M-3 support the evidence of BW-2. The report Ex. M-3 is enclosed with an annexure marked as Ex. M-4 and it gives the particulars of postal orders and the respective account numbers and the amounts of the postal orders. Ex. M-4 bears initials of the branch manager and thereunder there is the writing of the sub-post master dated 6-10-1982 showing that all these amounts have been paid to the workman Narasimha Murthy. The evidence of Raghavendra Rao further shows that on 7-10-1982 he had received a letter written in Kannada dated 6-10-1982 given by the workman to his accountant Suryanarayana Rao. The said letter is marked as Ex. M-5. Ex. M-5 reads that the workman admitted that though he had received a sum of Rs. 6,300 from the post office, he had utilised it for himself and that by 12.00 noon of the following day, namely 7-10-1982 he will credit the same to the bank. Exs. M-6 and M-7 both dated 8-10-1982 disclose that Rs. 1,350 and 5,000 had been credited. Ex. M-8 is a letter dated 8-10-1982 signed by the workman and given to the manager and it shows that he had credited the entire amount and therefore he may be excused. There is specific evidence from Raghavendra Rao that on 8-10-1982 the letter marked as Ex. Bex. 6 (M-8) was received from Narasimha Murthy and that Saikumar has witnessed the same. The cross-examination of Raghavendra Rao was deferred at the request of the D. R. (Defence Representative) and on 21-2-84 the presenting officer has examined B. V. Suryanarayana Rao, the accountant of the said branch. In the first instance Suryanarayana Rao has explained that the NGEF branch had extended its services to its customers of collecting the amount of their postal orders and to credit the same to their accounts. He states that the NGEF used to send postal order to them and they used to bind the postal orders in packets of 200 or so and then they used to brand them with "received payment endorsement seal" and signed by the supervising officials for the sake of administrative convenience and after that they were entered in the S. C. Register and thereafter they were given to sub-staff for collection the post office. He further states that after realisation of the money by the sub-staff with reference to the particulars of S. C. Nos. the same was being remitted to the credit of the account of the party. He further states that the sub-staff member used to collect the challans from the accountant, and the amounts were thus remitted. He has specifically stated that out of the two members of the sub-staff Narasimhamurthy the workman and another Abdulkhan the work of collection of the amounts of the postal orders was entrusted to Narasimha Murthy on 6-8-1982, 23-9-1982 and 24-9-1982. Ex. Bex. 7 marked by the enquiry officer is the attendance register. The original register has been returned to the party on the ground that it is required for day to day use and the xerox copies of the sheets of the same have been marked as Exs. M-11 to M-18. These documents disclose that Narasimha Murthy attended for his duties on the said dates. S.C. Register has been marked by the enquiry officer as BEX. 8. The original register has been returned since it is required for the day to day work of the bank. The xerox copies of the relevant sheets have been marked as Exs. M-19 to M-23. Exs. M-19 to M-23 shall have to be read along with the particulars shown in the table contained in the charge sheet Ex. M-2. Suryanarayana Rao has then stated that the maximum time that the amount of the postal orders credited to the accounts of the parties is of one week from the date of lodging of the postal orders with the post office. He has further stated that as per the instructions of the Manager he prepared the list and the same was endorsed by the sub-post master.

The defence representative has not cross-examined Suryanarayana Rao immediately, but he has requested the enquiry officer to permit him to cross-examine him after all the other witnesses were examined. In re-examining the third witness for the bank, one Saikumar has been examined. He has attested a letter written by the Narasimha Murthy as per Ex. BEX. 6. It has been marked as Ex. M-8. He has said that the workman Narasimha Murthy wrote Ex. M-6 and that it was read out by the Manager Raghavendra Rao and also by Narasimha Murthy. The management has then examined the fourth witness Abdulkhan. He was shown letter BEX. 3 and he was asked whether he has signed it. BEX. 3 is marked as Ex. M-9. Ex. M-9 bears the attestation of Abdulkhan. The next witness examined by the management is Narayanaswamy, the sub-post master of Byappanahalli sub-post office. It appears in his evidence that he was working in that post office since May 1982 and the post office used to make payment of postal orders presented by the second party bank. He has explained about the procedure of payment. He has stated that the bank office sub-staff used to bring postal orders in bulk, then he used to verify the signatures, endorsement and stamp of the bank and thereafter he used to make payments. He has then stated that an officer of the NGEF branch of the bank had brought a file to his office and verified his statement with reference to his records and then he made an endorsement and confirmed the said statement of payments. He has identified the statement as Ex. BEX. 2. It is marked as Ex. M-4. Narayanaswamy has further stated that the amounts shown in Ex. M-4 were paid to the workman Narasimha Murthy and he can identify Narasimha Murthy. He has likewise identified him before the enquiry officer. Thereafter, from page 24 of the enquiry proceedings Ex. M-24, there is the cross-examination of all these witnesses. Item nos. 5 to 30 of Ex. M-4 are the items of the accounts at Sl. Nos. 1 to 26 of the table of the charge sheet Ex. M-2. These payments have been made on 7-9-1982, 20-9-1982, 23-9-1982 and 24-9-1982. Before the enquiry officer the workman pleaded that peons were not expected to collect postal orders if the amounts are of the value of Rs. 400. It was further contended there was no acknowledgement given by the workman for having received the amounts from the post office, and that the sub-post master should not be believed because he has stated about payments made in April though he had assumed office subsequent to April 1982. The enquiry officer has observed that Narasimha Murthy the workman was attending to the work of collecting the postal orders as per the evidence of branch manager and the accountant, and that at no point of time the workman had protested against it. This tribunal is not going to examine the case in the context whether it amounts to temporary misappropriation or breach of trust, as offences punishable under the I.P.C. The point to be decided will be whether there was such a practice that the workman used to get the cash of the postal orders from the post office and bring the same and credit to the bank. In the light of the specific evidence of the bank manager and the accountant, I do not find that the said finding of the enquiry officer is not supported by the evidence on record. The evidence of Narayanaswamy the sub-post master and his endorsement at Ex. M-4 establish the fact that the workman had realised these amounts but the same was not credited to the bank immediately. The enquiry officer has observed that the confirmation of two items of April 1982 made by the post-master does not weaken his evidence. He has rejected the contention that the writings at Exs. M-5 or M-8 or M-10 are taken by the manager under co-ercion. The enquiry officer had before him the two cash challans showing that Rs. 5,000 and Rs. 1,350 were remitted as per Exs. M-6 and M-7. In para 9 of his evidence WW-1 Narasimha Murthy, the workman has sworn before me that 5 or 6 persons including the manager, the accountant, the field officer had gone to his house and that they told his father-in-law that he (Narasimha Murthy) was giving some writings and that he (his father-in-law) should pay the amount otherwise they were going to file a complaint to the police and that when his father-in-law stated that he had no money, the manager told him that he will however adjust the matter and that on the next day the amount was recovered from his father-in-law. The workman did not examine his father-in-law before the enquiry officer. The evidence of Abdulkhan the hostile witness was pointed out and it was contended that the enquiry officer has not taken the same into

account. The examination-in-chief of Abdulkhan is on page 9 of Ex. M-24. He has been examined to show that he has attested BEX-3, which is now marked as Ex. M-5. The cross-examination of Abdulkhan by the defence representative is on pages 40 and 41 of Ex. M-24. In the cross-examination Abdulkhan has stated that the accountant dictated the letter and Narasimha Murthy wrote it. He has further stated that the accountant told him that nothing will happen to him and therefore he signed it. He further states that Narasimha Murthy was under the influence of drugs at that time. The cross-examination of Abdulkhan shows that Narasimha Murthy was not in his senses when he signed Ex. M-5. At the same time he states that Narasimha Murthy took down Ex. M-5 to the dictation of the accountant. Ex. M-10 has been admitted in his evidence during the cross-examination of Abdulkhan. Therein Narasimha Murthy, the workman has made allegations against Abdulkhan. The enquiry officer has mostly relied upon the evidence of the three witnesses viz., the manager the accountant and sub-post master and it is observed that it has been sufficiently corroborated by the two challans Exs. M-6 and M-7 and the admissions made by the workman in his writings. Even if the writings of the workman are ignored, it cannot be said that the findings of the enquiry officer are perverse, when the other evidence appearing on record is closely examined. The non-acceptance of the evidence of Abdulkhan is thus of no consequence.

16. In para 3 of his evidence the workman has sworn before me that the accountant used to send him or Abdulkhan to bring the amounts of the postal orders from the post-office and whenever the manager or the accountant used to insist upon him to go and bring the amounts he used to go and bring the same. The practice of the workman going to the post office and bringing the amounts of the postal orders is thus an admitted fact. He further admits that there was no ill-will between himself and the officers of the bank on that count. In paragraphs 5 to 12 of his evidence the workman has put-forth the case that when he was ill writings were taken from him and his father-in-law was compelled to pay the amounts. As observed earlier nothing prevented the workman from examining his father-in-law before the enquiry officer. In para 41 of his evidence he concedes that he did not tell his representative to examine him before the enquiry officer. In para 41 of his evidence he concedes that it is not a case where any reasonable man could not have arrived at the conclusion that the workman was not guilty of the charge or that his acts were highly prejudicial to the interests of the bank in as much as he did not credit the various amounts received by him in August or September 1982, until 5th of November, 1982. Under the circumstances of the case it cannot be said that the punishment of dismissal is un-reasonable or dis-proportionate.

17. In the result, an award is hereby passed to the effect that the management of State Bank of Mysore, Bangalore was justified in dismissing Sri Narasimha Murthy, Peon NGEF branch with effect from 12-1-1985 and that he is not entitled to any relief.

(Dictated to the Secretary taken down by him and got typed and corrected by me).

Dated : 2-1-1988.

B. N. LALGE, Presiding Officer
[No. I-12012/12/86-D.II(A)]

का० आ० 332 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अहमदाबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 4-1-88 को प्राप्त हुआ था।

S.O. 332.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on 1st January, 1988.

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL AT
AHMEDABAD.

Reference (ITC) No. 3 of 1981

ADJUDICATION

BETWEEN

State Bank of India, Bhadra, Ahmedabad .First Party
AND

Their workman .Second Party.

In the matter of termination of services of Shri Virendra Kumar Chunilal Dhobi.

PEARANCES :

Shri G. N. Vahia, Advocate for the First Party; and

Shri K. T. Trivedi for Gujarat Mazdoor Panchayat for the workmen.

AWARD

This is a reference made by the Government of India, Ministry of Labour, constituting me as Presiding Officer of the Industrial Tribunal with headquarters at Ahmedabad, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 the Industrial Disputes Act, 1947. The reference is made by the Central Government Order No. L-12012/7/80-D. II-A dt. 23-2-1981. The dispute is with regard to the termination of the services of Shri Virendrakumar Chunilal Dhobi.

2. The matter was fixed for hearing. However, in the meantime Shri K. T. Trivedi for the workman has filed his Ex. 27 seeking permission to withdraw the reference as the concerned workman has already been reinstated, and it does not press for the back wages. In view of the facts stated above the union is allowed to withdraw the demand. The reference, therefore, stands withdrawn. No order as to costs.

Ahmedabad,

Dated the 3rd December, 1987.

G. S. BAROT, Presiding Officer

[No. L-12012/7/80-D. II(A)]

का० आ० 333 — औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अहमदाबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 4-1-88 को प्राप्त हुआ था।

S.O. 333.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on 4-1-1988.

BEFORE SHRI C. G. RATHOD, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT AHMEDABAD.

Reference (ITC) No. 13 of 1986.

Adjudication :

BETWEEN

The Management of State Bank of India

Local Head Office, Ahmedabad ...First Party

AND

Their Workmen employed under it. . .Second Party

In the matter whether the management of State Bank of India, Local Head Office, Ahmedabad is justified in terminating the services of Shri B. G. Acharya with effect from 6-10-80 and not considering him for further employment while recruiting fresh hands under section 25H of the I. D. Act ? If not, to what relief is the workman concerned entitled ?

AWARD

By an order No. L-12012/81/85-D.II(A) dattd 28th November, 1986 the Desk Officer, Government of India, Ministry of Labour, New Delhi in exercise of the powers conferred u/s. 10(1)(d) of the I. D. Act, 1947, has referred the dispute between the management of State Bank of India, Ahmedabad and its workmen to this Tribunal for adjudication. The dispute referred to is whether the management of State Bank of India, Local Head Office, Ahmedabad is justified in terminating the services of Shri B. G. Acharya with effect from 6-10-80 and not considering him for further employment while recruiting fresh hands under Section 25H of the I.D. Act ? If not, to what relief is the workman concerned entitled ?

2. The concerned workman filed his statement of claim at Ex. 5 and the State Bank of India has filed its written statement at Ex. 6, but before the matter could be heard and decided on merits, both the parties filed a statement at Ex. 11. In this, the concerned workman has stated that the Bank has appointed him on probation and as such he is not pressing for the back wages and, therefore, he may be permitted to withdraw the reference. He has also annexed the appointment order with Ex. 11. Mr. G. N. Vahia for the Bank and Mr. A.B. Panchal for the concerned workman as well as the concerned workman and Mr. S.T. Shah, Officer of the Bank have signed on the same and in the circumstances, there appears no objection for allowing the concerned workman to withdraw the same and hence the order :

ORDER

The reference is permitted to be withdrawn. No order as to costs.

Ahmedabad, 11th December, 1987.

C. G. RATHOD, Presiding Officer

[No. L-12012/81/85-D. II(A)]

N. K. VERMA, Desk Officer

आ० 334—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मर्सर्स एच० एस० रावलेय, कल्डे कटर, पूर्वमापारी लाइन स्टोर और डेलोसाइट बवारी और राउरकेला स्टील प्लांट आफ एम. ए. आई. ए.ल. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-88 को प्राप्त हुआ था।

S.O.334.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. H. S. Rawley Contractor at Purnapani Limestone & Dolomite Quarry of Rourkela Steel Plant of SAIL and their workmen, which was received by the Central Government on the 12th January, 1988.

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
Industrial Dispute Case No. 52 of 1987 (Central)

Dated Bhubaneswar, the 29th December, 1987

BETWEEN

The Management of M/s. H. S. Rawley Contractor at Purnapani Limestone & Dolomite Quarry of Rourkela Steel Plant of SAIL.

... First Party—Management.

AND

Their workmen represented through the General Secretary, United Mines Mazoor Union (CITU), At/ P.O. Tensa, Dist. Sundergarh, Orissa.

... Second Party—Workmen.

APPEARANCES :

None—For both the parties.

1. The matter arises out of a reference made by the Government of India in the Labour and Employment Department in exercise of powers conferred under sub-section (5) of Section 12 read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 vide their Order No. L-29011/35/85-D. III(B) dated 5th June, 1987 for adjudication of the dispute and answering the reference. The terms of reference may be quoted as follows :—

“Whether the action of M/s. Harbanslal Sodeshkumar Rawley, Contractors, Purnapani Lime Stone and Dolomite Quarry of Rourkela Steel Plant of SAIL P.O. Purnapani, Dist. Sundergarh (Orissa) in effecting temporary stoppage of work in their establishment with effect from 4th December, 1984 to 5th January, 1985 was justified ? If not, to what relief are the workmen entitled ?”

2. In this case no statement of claims was filed on behalf of the workmen and no rejoinder was also filed on behalf of the Management inspite of notice. In view of the non-appearance of both the parties in the Tribunal for filing their respective statement of claims and rejoinder, it can safely be inferred that no dispute subsisted between the parties. Hence, a no dispute Award is passed, so far as this reference is concerned.

D : 29-12-87

S. K. MISRA, Presiding Officer

[No. L-29011/35/85-D. III(B)]

V. K. SHARMA, Desk Officer

आ० 335—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, अतकुसा कालयरी, मर्सर्स भारत कोर्किंग कोल लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संस्था-1 धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8 जनवरी, 1988 को प्राप्त हुआ था।

S.O. 335.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government: Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Alkusa Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 8th January, 1988.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)
of the Industrial Disputes Act, 1947.

Reference No. 72 of 1983

PARTIES :

Employers in relation to the management of Alkusa Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : None.

State : Bihar. Industry : Coal
Dhanbad, dated, the 24th December, 1987

AWARD

By Order No. L-20012(151)/83-D. III(A), dated, the 1st October, 1987, the Central Government in the Ministry of Labour, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute for adjudication to this Tribunal. The schedule to the reference runs as follows :

"Whether the action of the management of Bhagaband Area of Messrs Bharat Coking Coal Limited, Dhanbad in not promoting Shri Satya Narain Banerjee, Grade-I Clerk to special grade while promoting his juniors is justified ? If not, to what relief is the workman entitled ?"

2. The case of the management, briefly stated, is as follows :

The management have formulated definite policy for promotion of clerical employees and the employees from clerical grade-I to special grade are promoted on the basis of seniority-cum-suitability through Departmental Promotion Committee in accordance with the promotion rules. Promotion to clerical special grade is not decided on the basis of seniority, but on the basis of seniority-cum-suitability. Power of recommending candidates for promotion from clerical grade-I to special grade has been given to Departmental Promotion Committee. The Departmental Promotional Committee constituted for the purpose of selecting and recommending candidates for promotion from grade-I to special grade consider educational qualification, CCRs and length of service before judging the suitability of Candidates of clerical grade-I for his promotion to special grade. Seniority alone is not the consideration for recommending such promotion. The concerned workman was placed in clerical grade-I with effect from 29-6-77. According to areawise seniority list of clerical grade-I he is much junior to many others. There are two seniority lists of clerical grade-I—one for finance discipline and another for non-finance discipline and the concerned workman belong to non-finance discipline and his name appears in that list. He was not found suitable for promotion from clerical grade-I to special grade by Departmental Promotion Committee which considered his case along with others. In the circumstance the management have proved that the concerned workman is not entitled to get any relief in the present reference.

3. The concerned workman, in his written statement, has stated that he is a permanent employee of Alkusa colliery since 1-9-1964 in the clerical grade. The said colliery was nationalised with effect from 1-5-1972 and its ownership

management and control vested in M/s. B. C. C. Ltd., a Central Govt. Company. The management arranged for implementation of the recommendations of the Wage Board for the Coal industry in all its collieries after nationalisation. The concerned workman was drawing wages in the time scale of clerical grade-II at the time of nationalisation. The management introduced cadre scheme for clerical employees which has been made effective from 1976 and accordingly, the employees under employ of the management were promoted/upgraded according to norms laid down in the said cadre scheme for clerical staff. The management of Bhagaband Area under which Alkusa Colliery was one of the units however introduced the cadre scheme with effect from 1977 and he was upgraded to clerical grade-I with effect from 29-6-77 and posted as Statistical Clerk. He has asserted that promotion from lower to a higher grade is done strictly on the basis of seniority in accordance with the cadre scheme. According to the said criteria he became eligible for promotion to the next higher grade i.e. clerical special grade, but when the time came the management promoted persons according to their choice by ignoring the criteria and thereby created a bad instance. Several juniors to him were promoted, such as, (i) D.L. Dass, (ii) S.P. Thakur, (iii) P. K. Banerjee, (iv) T. C. Prasad, (v) S. N. Sarkar, (vi) D. K. Chatterjee, (vii) Baldco Sharma and (viii) H. K. Jamui.

Being aggrieved by illegal and arbitrary action of the management he represented his case and grievance before the appropriate management, but to no avail. Thereafter his union represented the matter before the Asstt. Labour Commissioner (C), Dhanbad for conciliation. The Conciliation Office reported failure of conciliation due to non-cooperation and adamant attitude of the management. In such circumstance the present reference has arisen.

4. In rejoinder to the written statement of the concerned workman the management have admitted certain facts, but have firmly taken up the position that two seniority lists—one for finance discipline and other for non-finance discipline are maintained by the management in accordance with the promotion policy formulated by them. The management have further stated that the workmen named at serial Nos. (i), (iii), (v), (vi), (vii) and (viii) in Para 9 of the written statement of the concerned workman belonged to finance discipline and he cannot claim seniority with them. The workmen listed in serial Nos. (ii) and (iv) were not promoted by Departmental Promotion Committee. They were simply regularised as special grade clerks since they were continuously carrying the duties of special grade clerks and were getting the difference of wages available to special grade clerk and Grade-I clerks.

5. The management, in order to prove their case, have examined MW-1, D. K. Sinha, Senior Personnel Officer in Kustore Area and introduced in evidence a mass of documents which have been marked as Exts. M-1 to M-4. Ext. M-1 is the photo copy of promotion policy, Ext. M-2 photo copy of seniority list, Ext. M-3 photo copy of seniority-cum-merit list and marks allotted by Departmental Promotion Committee and Ext. M-4 photo copy of Office Order respectively.

6. Admittedly, the concerned workman is a permanent workman of Alkusa Colliery since 1-9-1964 in clerical grade. It is not disputed that the said colliery was earlier within the jurisdiction of Bhagaband Area of M/s. B.C.C. Ltd. and since 1987 it has come within the jurisdiction of Kustore Area. It is also the irrefragable position that the said colliery was nationalised with effect from 1-5-1972 and the management of M/s. B.C.C. Ltd. have formulated promotion policy and rules for their employees working in clerical cadre.

7. There is no dispute that the concerned workman was placed in the time scale of Clerical Grade-II at the time of nationalisation and he was promoted/upgraded to clerical grade-I with effect from 29-6-77 and was posted as Statistical Clerk.

8. It is the case of the concerned workman that promotion from lower grade to higher grade according to cadre scheme has to be done strictly on seniority basis. The management, on the other hand, have firmly stated that there are two

seniority lists of clerk grade-I one for the finance discipline and another for non-finance discipline and the concerned workman belongs to non-finance discipline and his name appears in that list. Promotions according to promotion rules are decided not on the basis of seniority, but on the basis of seniority-cum-suitability and that the Departmental Promotion Committee constituted for the purpose of selecting and recommending candidates for promotion from grade-I clerk to special grade clerk consider educational qualification, CCRs and length of service before judging the suitability of grade-I clerk for his promotion to special grade.

9. In support of the case of the management MW-1 D. K. Sinha, Senior Personnel Officer of Kustore Area has proved the promotion policy of M/s. B.C.C. Ltd. (Ext. M1), seniority list for Bhagaband Area, (Ext. M-2), Seniority-cum-merit list of the employees and marks allotted by the Departmental promotion Committee (Ext. M-3) and Office Order relating to regularisation of S Thakur as special grade clerk (Ext. M-4). It is evidenced from the promotion policy (Ext. M-1) that for the purpose of promotion of Clerks from Grade-III to Grade-II and from Grade-II to Grade-I employees will be promoted on the basis of seniority as the main criteria subject to their satisfactory performance. But the employees from Grade-I to Special Grade will be promoted on the basis of seniority-cum-suitability through Departmental Promotion Committee. Thus it is seen from the promotion policy of M/s. B.C.C. Ltd. that seniority is not the only criteria for promotion from Grade-I to Special Grade as claimed by the concerned workman, but seniority-cum-suitability through Departmental Promotion Committee as stated by the management. Ext. M-2 is seniority list of Grade-I Clerk working in different units of Bhagaband Area. In the said list the name of the workman appears in serial No. 25. It is evidenced from Ext. M-3 that the Departmental Promotion Committee considered his case for promotion, but did not recommend his name for promotion (Ext. M-3). This has also been testified by MW-1.

10. The concerned workman has alleged that atleast eight employees junior to him have been promoted and he has listed names of those employees in his written statement. But the management has taken the position that six employees out of eight employees listed belonged to finance discipline and the concerned workman cannot claim seniority with them. There is no reason to disagree with this position as asserted by the management. But two of the employees listed belong to non-finance discipline and they are S/Sri S. S. Thakur (SI No. III) and T. C. Prasad (SI No. IV). The management have stated that the said two workmen were regularised as Special Grade Clerk as they were continuously carrying on duties of Special Grade Clerk and were getting difference of wages available to these two grades. Ext. M-4 is the regularisation order of T. C. Prasad. It bears out that he was simply regularised as Special Grade Clerk and that he was not promoted through Departmental Promotion Committee to that post. Thus contention of the management in this respect is specious and supported by documentary evidence.

11. In the context of the facts and circumstances I come to the conclusion that the action of the management of Bhagaband Area (now Kustore Area) of M/s. B.C.C. Ltd. in not promoting the concerned workman to Special Grade is justified.

12. Accordingly, it is ordered that the reference under consideration is disposed of. The action of the management of Bhagaband Area (Kustore Area) of M/s. Bharat Coking Coal Ltd., Dhanbad in not promoting the concerned workman, Satya Narin Banerjee, Grade-I Clerk to Special Grade is justified.

In the circumstances of the case the parties to bear their own costs

S. K. MITRA, Presiding Officer

[No I-20012/157/83-D.III(A)]

का० आ० 336—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गजलीतान्ड कालयरी, मैसर्स भारत कोकिंग काल लिमिटेड के प्रबंधतान्त्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, मंख्या 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 जनवरी, 1988 को प्राप्त हुआ था।

S.O. 336.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gazlitand Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 6th January, 1988.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

Reference No. 56 of 1982

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Gazlitand Colliery of Messrs. Bharat Coking Coal Limited, Area No. IV, P. O. Katrasgarh, Distt. Dhanbad and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri S. Bose, Secretary, R. C. M. S. Dhanbad.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 31st December, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(32)/82-D.III(A), dated the 29th May, 1982.

SCHEDULE

“Whether the action of the management of Gazlitand Colliery of Messrs. Bharat Coking Coal Limited, Area No. IV, Post Office Katrasgarh, District Dhanbad in superannuating Shri Jagarnath Singh, Munshi from the 31st December, 1979 is justified? If not, to what relief is the workman concerned entitled ?”

The case of the workmen is that the concerned workmen Shri Jagarnath Singh was a permanent employee working as Munshi in Gazlitand colliery of M/s. B. C. C. L with effect from 1-1-1951. Prior to nationalisation of the said Gazlitand colliery proper and correct records were not maintained by the erstwhile management and the said fact was known to the BCCL management from the records received by them from the erstwhile management. The BCCL management did not make any efforts to prepare correct and up-to-date records of the employees of Gazlitand Colliery and the whole matter was left at the whims of the local colliery official. The management of Gazlitand colliery by letter dated 9-8-79 terminated the services of the concerned workman with effect from 31-12-79 on the wrong assumption that the concerned workman had completed 60 years of age although the concerned workman had been attained the age of 60 years at that time. The concerned workman as well as his union protested against the management's arbitrary and illegal termination of the service of the concerned workman but to no effect. Thereafter

the union by letter dt. 11-9-81 raised an industrial dispute before the ALC(C), Dhanbad which ended in failure and thereafter the present reference was made to this Tribunal for adjudication. It is submitted that the action of the management of Gazlitand colliery in superannuating the concerned workman from service with effect from 31-12-79 is not justified and the concerned workman should be reinstated with full back wages and allowances till he reaches the actual age of superannuation.

The case of the management is that the concerned workman was a literate man and was working as Munshi at Gazlitand colliery. He did not declare his age at the time of making entries in Form B Register although he had put his signature in Form B Register in token of acceptance of the correctness of the facts entered therein. He did not even intimate his date of birth to the management even at the time of the preparation of the identity card. The concerned workman did not declare his age or date of birth and as such the column regarding the date of birth in the identity card remained blank. The concerned workman knew fully well that he had not declared his age to the management and as such his age was not recorded in the Form B Register and the identity card register. The concerned workman did not declare his age even at the time of filling up Form A prescribed under the C. M. P. F. scheme. The concerned workman had no record to show his date of birth. According to the management's policy it was decided to get the age of the concerned workman determined by the medical board. The concerned workman appeared before the Medical Board on 10-12-74 and his age was determined as 55 years. The concerned workman put his signature in token of the acceptance of the age determined by the medical board and he did not protest, regarding the said declaration of age. The concerned workman received the letter dt. 19-8-79 in which it was clearly mentioned that he was 60 years of age and he would be superannuated with effect from 31-12-79. The concerned workman did not make any protest against the order of superannuation which indicated that he had accepted his superannuation. The union for the first time raised the issue of superannuation before the ALC(C), Dhanbad by its letter dt. 11-9-80 about two years after superannuation of the concerned workman. On the above facts it has been submitted that the concerned workman is not entitled to any relief.

The only point for determination in his case is whether the management was justified in superannuating the concerned workman from 31-12-79. In other words it has to be seen whether the concerned workman had completed the age of 60 years on the date he was superannuated.

None of the parties adduced any oral evidence. The management, however, got documents marked as Ext. M-1 to M-6 and the workmen got a document marked Ext. W-1 on admission of the parties.

Ext. M-1 is admittedly the photo copy of the Form B Register of Gazlitand Colliery in which there is no mention of age of the concerned workman Jagarnath Singh. Ext. M-2 is also admittedly the photo copy of the identity card register of Gazlitand Colliery which shows that there is no mention of age/date of birth of the concerned workman. The management has clearly stated in para-6 of the W.S. that the concerned workman had not filled up his age or date of birth in Form A prescribed under the C.M.P.F. scheme. Thus we find from the above that none of the statutory registers find no mention of the age or date of Birth of the concerned workman on the basis of which the concerned workman can be superannuated on attaining the age of 60 year.

Ext. M-5 dated 2-12-74 is a letter from Dr. K. Kumar, Staff Officer Medical to the Personnel Manager Area No II Sijua requesting to send the concerned workman and others for medical examination at Lodana Hospital on 10-12-74. Ext. M-4 is the letter from the Magistrate dt. 5-12-74 by which the workmen of Gazlitand Colliery was asked to appear for the medical examination at Lodana Hospital on 10-12-74 and on the back of it there appears to be signature of Jagarnath Pd. Singh. Ext. M-3 is the medical examination report dated 10-12-74 under the signature of the

Medical Examiner. It will appear from this that the age as stated by the concerned workman before the doctor was recorded as 51 years and the doctor recorded the age of the concerned workman as 50 years by appearance. There is nothing in this report to show that the concerned workman was scientifically/medically examined by the doctors to come to a definite finding regarding the assessment of his age. The doctor only stated that by appearance the age of the concerned workman was 55 years on 10-12-74. This assessment of age of the doctor by appearance is most unscientific and it carries no more value than the estimate of a layman. In my opinion this age by appearance cannot be said to be scientific assessment of age of the concerned workman.

The management in para-8 of the W.S. has stated that according to the management's policy it was decided to get the age of the concerned workman determined by a medical board. There is nothing to indicate in Ext. M-3 that any medical board has assessed the age of the concerned workman.

The workmen have referred to Ext. W-1 dated 31-10-87 which is a letter from the Dy. Chief Personnel Manager (IR) to Shri S. K. Roy, Joint General Secretary, RCMS, Dhanbad to show that the age of one Shri Ram Milan Sahi was not recorded in Form B Register hence his case along with others was referred to age assessment committee/Apex Medical Board duly constituted by the headquarters under the Chairmanship of Shri S. B. Mitra, Dy. CPM and his age was correctly assessed by the said board. It is submitted that in the present case also the age of the concerned workman was not mentioned in Form B Register and in Form A and as such the concerned workman should be referred to the age assessment committee/Apex Medical Board for the assessment of his age and that on the assessment of the age by the said Apex medical board the superannuation of the concerned workman should follow. Admittedly, there was no entry of the age of the concerned workman in any of the statutory registers of the management. The age of the concerned workman as stated in Ext. M-3 was stated by the doctor by his appearance and no scientific examination was made by the said doctor to assess the age of the concerned workman. In view of the circumstances there is no way left out to come to a finding about the age of the concerned workman and I think the only best possible method for assessment of age of the concerned workman was through the age assessment Committee/Apex Medical Board duly constituted for the above purpose and the age so determined has to be admitted by both the parties.

In the result, the management is directed to refer the concerned workman to the age assessment committee/Apex Medical Board duly constituted for the assessment of the age of the concerned workman within one month of the date of publication of the Award. The age so determined by the said age assessment committee/Apex Medical Board will be final in respect of the age of the concerned workman and the concerned workman will be superannuated on the basis of the age assessed by the said board. If the concerned workman has already completed 60 years of age but had not completed 60 years of age as found by the said board the management will reinstate the concerned workman and pay him all back wages from the period of his superannuation till the date he completed 60 years. If however, on the finding of the medical board the concerned workman has not as yet completed the age of 60 years he would be reinstated with effect from the date of superannuation and will get all back wages and will be retired after he completes the age of 60 years. It is apprehended that the person appearing before the medical board may not be a genuine person (Shri Jagarnath Singh) as such I direct that while sending intimation to the concerned workman for appearance before the Apex Medical Board the concerned workman should be directed to appear with proper identification from the BDO or Anchal Adhikari.

31-12-87.

I. N. SINHA, Presiding Officer
[No. L-20012/32/82-D.III(A)

का० आ० 337.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुग्रह में, कर्मचार, मसरू दाता आयरन एण्ड स्टील कम्पनी निमिटेड की बिजुआ कोल्यरी के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बोच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, संघ्या-2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13 जनवरी, 1988 को प्राप्त हुआ था।

S.O. 337.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sijua Colliery of M/s. Tata Iron and Steel Co. Limited and their workmen, which was received by the Central Government on the 13th January, 1988.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 239 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Sijua Colliery of Messrs. Tata Iron and Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee, Secretary Bihar Colliery Kamgar Union.

On behalf of the Employers : Shri B. Joshi, Advocate.

STATE : Bihar INDUSTRY : Coal.

Dhanbad, the 7th January, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to the Tribunal for adjudication vide their Order No. L-20012 (22)/86-D.III(A), dated, the 4th July, 1986.

SCHEDULE

"Whether the action of the management of M/s. Tata Iron and Steel Company Limited, P.O. Jamadoba, Dist. Dhanbad in terminating the services of their workman, Shri Mustaqum Khan, Watchman, Sijua Colliery with effect from 15-4-1982 was justified? If not, to what relief the workman is entitled?"

The case of the workmen is that the concerned workman Shri Mustaqum Khan was appointed in the permanent nature of job as permanent Watchman at Sijua Colliery and has been working there continuously since long. He was made idle with effect from 16-3-82 illegally, arbitrarily and without assigning any reason. It was the practice of the management to idle the workmen for one or two days after some days of his work only to deprive the workmen of their legitimate wages and other benefits of permanent workmen. The management with an ulterior motive to deprive the concerned workman of his legitimate dues and other benefits as permanent workmen idled him with effect from 16-3-82. The concerned workman fell ill and was unable to attend his duty after so-called idle period and as such the concerned workmen prayed for leave backed by a medical certificate. The management in violation of the principles of natural justice and without assigning any reason illegally and arbitrarily terminated the services with effect from 15-4-82. The concerned workman represented before the management several times, challenging the illegal and arbitrary termination of his services and demanded reinstatement with full back

wages but without any effect. Thereafter the union of the workmen raised an industrial dispute before the ALC(C), Dhanbad which ended in failure and thereafter the present dispute was referred to this Tribunal for adjudication. The action of the management in terminating the services of the concerned workman with effect from 15-4-82 was illegal, arbitrary, unjustified and against the principles of natural justice. His termination was against the provision of the Standing Orders as per provision of the Standing Order the management has no authority to terminate the services of the concerned workmen for alleged unauthorised absentism and without following any disciplinary proceeding. The absence from duty without leave is a misconduct under the Standing Order of the management. The services of the concerned workman was terminated by the order of Shri I. Biswa, Security Officer who had no authority under the provision of the Standing Orders to terminate the services of the concerned workman who had been appointed by Sr. Security Officer. The management had not followed the provision of Section 25F of the I.D. Act in terminating the services although the concerned workman had rendered continuous services and had put in more than 240 days attendance in the preceding 12 months prior to the termination of his services. On the above plea it has been submitted that the concerned workman should be reinstated in service with effect from 16-4-82 with all benefits.

The case of the management is that the reference is not legally maintainable as the concerned workman did not raise any dispute with the management according to the accepted grievance procedure adopted by the management in consultation with the recognised union namely R.C.M.S. The Bihar Colliery Kamgar Union which has sponsored this case has no following in the collieries of the management and has no locus-standi to raise the present dispute. The concerned workman was a temporary watchman and his name was included in the list of temporary workmen. The concerned workmen used to be employed for specific period during temporary vacancies of watchman and after the expiry of the stipulated period his services used to stand automatically terminated. The employment of the concerned workman was conditional and termination from service was automatic without any notice. The services of temporary workman can be terminated without assigning any reason and without giving prior notice under the provision of certified standing orders. The concerned workman was given temporary appointment as temporary watchman of Sijua Section by letter dt 25-12-81 for a period of 3 months or till the completion of the jobs which ever was earlier. He did not report for his duty from 18-3-82. Thereafter he was advised by letter dated 3-4-82 to report for duty within 3 days so that he can be given any temporary job of a watchman but the concerned workman did not report for his duty till 15-4-82 and did not submit any explanation expressing his desire to accept any temporary appointment in future. The management did not consider it desirable to keep more persons on the pool of temporary watchman and removed the name of the concerned workman from the temporary pool of watchman by letter dated 15-4-82 and gave chance to other workmen already in the list to be engaged during temporary vacancies. The concerned workman was appointed for stipulated period of 3 months from 25-12-81 and his appointment was automatically to be terminated by 24-3-82. He did not report for duty from 18-3-82 voluntarily without prior information. The management considered that he was not interested for any temporary job in future and as such removed his name from the pool of temporary watchman by the letter d. 15-4-82. The concerned workman raised the present dispute after the lapse of more than 3 years through unrecognised union. On the above facts it is submitted that the concerned workman is not entitled to any relief.

The only point to be considered in this case is whether the termination of the services of the concerned workman with effect from 15-4-82 was justified.

The management examined two witnesses and the workmen examined one witness in support of their respective case. The documents of the management have been marked Ext. M-1 to M-5. The workmen did not produce any document for consideration.

It will appear from the case of the management that the services of the concerned workmen was terminated as he did not report for his duty from 18-3-82 and had not taken any permission or leave. Ext. M-3 dt. 15-4-82 is a letter by which the services of the concerned workman was terminated by the management. It will appear from the facts stated in Ext. M-3 that the management had by its letter dt. 3-4-82 which is marked Ext. M-1 advised the concerned workman to report for duty within 3 days of the receipt of the said letter failing which it will be construed that the concerned workman was not interested to continue the job of temporary watchman in the company and his name will be removed from the company's roll. It will further appear from the facts stated in Ext. M-3 that 10 days passed from the said letter but the concerned workman neither reported for duty nor sent any information regarding his unauthorised absence and as such his name was removed from the temporary pool of the watchman from 15-4-82. Ext. M-5 is the Standing Order of the management. Clause 19 of the Standing Order Ext. M-5 provides the acts of misconduct. Clause 19(16) provides that continuous absence without permission and without satisfactory cause for more than 10 days is a misconduct. Clause 20 provides that no orders for punishment by way of suspension or dismissal or fine will be made unless the employee concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him and that approval of the owner, Agent of the Divisional Manager, Director of collieries of the company is required in every case of dismissal and when circumstances appear to warrant it an enquiry will be made on the charges against the employee. At the services of the concerned workman was terminated on account of the fact that he had absented for more than 10 days without permission and leave it was an act of misconduct under clause 19(16) of the Standing Orders of the Company requiring a domestic enquiry after framing such charge against him. Admittedly no charge was framed against the concerned workman and no enquiry was ordered against the concerned workman prior to the termination of his services.

The plea taken on behalf of the management is that the concerned workman was a temporary security guard and had not completed the attendance of 240 days in the calendar year and as such his services can be terminated by the management on the expiry of the period of his term of his services which was only for 3 months commencing from 25-12-81. Ext. M-2 dt. 25-12-81 is an appointment letter issued to the concerned workman by the Security Officer Incharge by which the concerned workman was appointed as temporary watchman with effect from 25-12-81 for a period of 3 months or till the completion of the job which ever was earlier. It has thus been tried to be shown by Ext. M-2 that the concerned workman was temporarily appointed for a period of 3 months only and as such the management was quite justified in terminating his services. The case of the workmen, on the other hand is that it was the practice of the management that the workmen used to be idled for one or two days after he had completed work for a few days to deprive the workmen and the benefits of a permanent workman and that the concerned workman was actually working as a watchman at Sijua Colliery continuously since long. MW-1 Shri S. K. Kar is working as Personnel Officer in Tisco since 1979 in the Security department. He has stated that the concerned workman was appointed as temporary security guard and he has referred to the appointment of the concerned workman Ext. M-2 and has stated that the appointment of the concerned workman was for a period of 3 months from 25-12-81. It will further appear from his cross-examination that the concerned workman had approached the security officer on 15-3-82 for 2 days leave and he was permitted leave for 16th and 17th March, 1982. But the concerned workman did not report for duty on 18-3-82. He has stated that on 3-4-82 the letter was sent to the concerned workman at his village address to join but the concerned workman neither reported for duty nor sent any reply to this said letter and thereafter Ext. M-3 was issued on 15-4-82 removing the name of the concerned workman from temporary pool of watchman with effect from 15-4-82. In cross-examination he has stated that the job of Watchman in the company is permanent. He has stated that the concerned workman was appointed for the first time sometimes in December, 1979. He has stated that the management cannot produce documents to show that

the appointment letters were served on the concerned workmen between the period 1979 to 1982. He has also stated about the practice of the management and has stated that their practice was to give employment to a Watchman for 3 months and then stop him for sometime and thereafter again appointment was given for 3 months. It will thus appear that this witness has admitted the fact that the management had a practice of giving employment to a watchman for 3 months and after stopping him for some days the said person was again given employment for 3 months and soon. The copies of the letters and appointment must have been with the management but the management has not tried the appointment letters to show as to how many appointment letters were issued to the concerned workmen. Since December, 1979 to 1982. He has further stated that an act of a workman in absenting after the period of sanctioned leave without permission is a misconduct under the Standing Orders and that no chargesheet was issued against the concerned workman for absenting without permission. He has further stated that a clerk is incharge to maintain the attendance of the Watchman and that this witness has gone through the attendance Register of the period of one year prior to the stoppage of the services of the concerned workman and found that the concerned workman had put in about 220 days of attendance in a year prior to the stoppage of workman. It is clear, therefore that the concerned workman had not been given appointment for the first time vide Ext. M-2 on 25-12-81 but the concerned workman was getting employment as a Watchman since December, 1979. He has also stated that the Attendance Register containing the attendance of the concerned workman can be produced to show the number of attendance of the concerned workman but the management did not file any attendance Register to show the number of Attendance of the concerned workman in the year prior to the stoppage of the work of the concerned workman. MW-2 is the Chief Security Officer who had issued the appointment letter Ext. M-2. He has stated that they had regularised workmen who had completed 240 days of attendance in a year on such temporary appointments. He has stated that according to him the concerned workman had not completed 240 days of attendance in a year and as such he was not regularised. He did not remember the initial date when the concerned workman had joined the services and he did not file any paper in this case to show that. He has also stated that absence from duty is a misconduct. He himself did not look into the attendance register of the concerned workman and as such it was not possible for him to show whether the concerned workman had completed attendance of 240 days in a calendar year or not. WW-1 is the concerned workman. He has stated that since November, 1979 he was working continuously as Watchman at Sijua till the date of his termination and that he had completed more than 240 days of attendance in a calendar year. He has stated that no chargesheet had been issued against him nor any departmental enquiry was held into the charges before removing him from the services. He has admitted in the cross-examination that he has no paper with him to show that he was appointed in 1979 but as this fact has been admitted by MW-1 the non-production of his first letter of appointment is not at all material. It will appear from a suggestion made by the management in the cross-examination that the management was appointing him temporarily for a period of 3 months intermittently. Thus it appears that the concerned workman was being appointed for a period of 3 months after some gap, since December, 1979. He has stated that the Attendance Register is maintained by the management which will show the number of days of his attendance. From the evidence discussed above it appears clear that the concerned workman was being appointed as temporary watchman since December, 1979 till 1982 with some gap when the concerned workman was made idle. Admittedly the management had attendance register which will show the number of days work by the concerned workman in a calendar year. MW-1 has himself stated that he had seen the attendance register of the period prior to the stoppage of work of the concerned workman and had found that the concerned workman had put in attendance of 220 days in the said year. There is no evidence to show as to why the management did not produce the attendance Register to falsify the case of the workman that the concerned workman had not completed attendance of 240 days or more in a calendar year prior to the termination of his services. The learned representative for the workmen has referred to

decision reported in 1985 LIC page 1733 to show whether the concerned workman had qualified himself to sustain his claim to the benefits of Section 25F of the I.D. Act. The concerned workman has stated in his evidence that he had completed attendance of more than 240 days in a calendar year prior to the termination of his services. Inspite of that the workmen had stated in a very specific terms in their W.S. that the concerned workman had completed attendance of more than 240 days in a year prior to the termination of his services, the management did not produce the attendance register to falsify the said claim. Admittedly, the attendance register has not been destroyed and MW-1 has stated that he had seen the Attendance Register but even then the management did not produce the Attendance Register. The management has not produced any paper to show in proof of the fact regarding the number of days on which the concerned workman had worked. The management could have easily produced those papers to show the attendance of the concerned workman if in fact he had not completed attendance of 240 days in a year prior to the stoppage of his work. MW-1 has stated that he concerned workman had attendance of 220 days in a year prior to the stoppage of his work. The word "Actually worked.....for not less than 240 days" in Section 25(B) includes the paid holidays and it necessarily comprehends all those days during which he was in the employment of the employer and for which he had been paid wages either under the express or implied contract of service or by compulsion of a statute Standing Orders etc. MW-1 did not say that the attendance of 220 days put by the concerned workman included Sundays and paid holidays and thus if Sundays and paid holidays are added to the 220 days the attendance of the concerned workman will total more than 240 days in a calendar year prior to the termination of the services of the concerned workman. It was for this reason, probably, that the management neither produced the attendance register nor papers regarding the payment of wages to the concerned workman as they would have shown that the concerned workman had completed more than 240 days in a year prior to the termination of his services and will be entitled to sustain the claim of the concerned workman to the benefits of Section 25F of the I.D. Act. Under the circumstances we have necessarily to draw the inference that the concerned workman had worked for more than 240 days within a calendar year prior to the termination of the services of the concerned workman.

Admittedly, the management had not held any domestic enquiry into the charges under clause 19(16) of the Standing Orders to establish misconduct against the concerned workman and also did not comply with the provision of retrenchment prior to the termination of the concerned workman from service and as such, I hold that the termination of the services of the concerned workman was illegal and unjustified.

A question has been raised on behalf of the workmen that the concerned workman had been appointed by the Chief Security Officer but his services were terminated by the Security Officer who was an officer lower in rank to that of the Chief Security Officer and as such the termination of the services of the concerned workman was illegal. Ext. M-2 is the last appointment letter which is issued under the signature of, Shri U. P. Singh, Chief Security Officer as stated by MW-1. MW-1 has further stated that the Security Officer has no power to terminate the services of the workmen under the provision of the Standing Orders. He has further stated that the concerned workman was appointed by the Chief Security Officer and that Shri I. N. Biswa Security Officer was lower in rank than the Chief Security Officer. MW-1 has further stated that Ext. M-3 which is the letter by which the services of the concerned workman was terminated was signed by Shri I. Biswa, Security Officer. Admittedly, no approval of the Owner, Agent, Divisional Manager, Director of Collieries of the management was taken prior to the termination of the services of the concerned workman as required under clause 20 of the Standing Orders. On this fact as well the termination of the services of the concerned workman was illegal and without authority.

In the result, I hold that the action of the management of M/s. Tisco in terminating the services of the workman

Shri Mustaqim Khan, Watchman, Sijua Colliery with effect from 15-4-82 was not justified. As the termination of the concerned workman was not in accordance with the law it will be deemed that he continued in service and as such the management is directed to reinstate him as Watchman with effect from 16-3-82 with all back wages and consequential benefits within one month from the date of publication of this Award.

Dated : 7-1-88.

I. N. SINHA, Presiding Officer
[No. L-20012/22/86-D. III(A)]

का. आ. 338.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार थोकीय स्टोर, बरोरा, मैसर्स भारत कोकिंग कॉल लिमिटेड के प्रबन्धतांत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या—1, धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12 जनवरी, 1988 को प्राप्त हुआ था।

S.O. 338.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Store Barora Area No. 1, M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 12th January, 1988.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 60 of 1983

PARTIES :

Employers in relation to the management of Regional Store in Barora Area No. 1 of M/s. Bharat Coking Coal Limited.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE Bihar

INDUSTRY : Coal

Dated, the 28th December, 1987

AWARD

By Order No L-20012/123/83-D.III (A) dated, the 19th August, 1983, the Central Government in the Ministry of Labour, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has referred the present dispute for adjudication to this Tribunal with following Schedule. The Schedule runs as follows :

"Whether the action of the management of Regional Store in Barora Area No. 1 of Messrs Bharat Coking Coal Limited in (1) not giving the pay scale of Clerical Grade II as Assistant Store Keeper to Shri Nilkanth Narayan Singh from 1978 as had been given in the case of his juniors; and (2) not placing Shri Nilkanth Narayan Singh in Clerical Grade-I as Store Keeper as had been done in the case of his juniors and as per nature

of jobs performed by him, is justified? If not, to what relief is the said workman entitled and from what date?"

2. The case of the management, shortly stated, is as follows:

The management introduced a scheme of promotion in the year 1977 under which promotions from Clerical Grade-III to Grade-II are effected on the basis of seniority-cum-satisfactory performance. The character rolls of the workmen together with behaviour, conduct etc. are taken into consideration besides the seniority. Promotion is the function of the management and it is a sort of incentive given to workmen to carry out their duties with honesty and sincerity. A workman to be promoted should not be under the cloud at the time of consideration of his case for promotion. If promotion is granted purely on the seniority basis, the very purpose there will be defeated. The concerned workman was working as Store Issue Clerk in Clerical Grade-III in the year 1978 when his case for promotion to Clerical Grade-II was considered in that year. But the confidential roll of the concerned workman was not good; he was served with a chargesheet for commission of a serious misconduct and was facing disciplinary action at the time of consideration of his case for promotion. His confidential roll was such that the adverse comments were not only communicated but chargesheet was issued and departmental proceedings were continuing against him. The Departmental Promotion Committee considered the promotion of Clerical Grade-III staff to Clerical Grade-II posts in 1978, but the Committee did not find the concerned workman fit for promotion and accordingly did not recommend his case for promotion. In 1980 the Departmental Promotion Committee considered the case of the concerned workman along with others for promotion and recommended his case for promotion from Clerical Grade-III to Clerical Grade-II. He was promoted to Clerical Grade-II in the year 1980 in accordance with recommendation of the Departmental Promotion Committee and his seniority in Grade-II was considered from the date of his promotion to that post. It is absolutely incorrect to suggest that any Grade-II Clerk junior to him in that grade was promoted to Grade-I superseding his claim. The management have stated that Store Keepers are in Grade-I and Grade-II and Store Issue Clerk is in Grade-III. The concerned workman worked as Store Issue Clerk so long as he was in Grade-III on regular basis and worked as Store Keeper (Junior) after his promotion to Grade-II. In the circumstances the management have submitted that the concerned workman is not entitled to any relief in the present reference.

3. Although the concerned workman has not submitted written statement, he has contested the case. It is his case that in 1971 he started working for M/s. B.C.C. Ltd. as its employee and that at that time there was no clerical grade made available to him. In 1973 he was placed under clerical grade-III and was posted to Damoda Colliery of M/s. B.C.C. Ltd. In 1978 some workmen of the Area were promoted to Clerk Grade-II from Clerk Grade-II. But since the management issued a chargesheet against him, his case for promotion to Clerk Grade-II was not considered. He gave reply to the chargesheet and by subsequent Office Order he was allowed to resume his duty after the order of suspension was lifted. The management ultimately did not hold domestic enquiry against him. In 1980 he was promoted to Clerk Grade-II, but in 1978 his juniors were promoted to Clerk Grade-II. He has further stated that in 1978 promotions were given to workmen holding the post in clerical grade-III and below that including two General Mazdoor namely, P. N. Bhar and B. N. Choubey. He represented the management for consideration of his case for promotion from 1978 but to no effect. Thereafter his union took up his case and represented to the management but that was of no avail. In the circumstances his union raised the present dispute through A.L.C. (C), Dhanbad.

4. The management examined one witness, namely, MW-1, S. N. Misra, Head Clerk posted to Barora Area of M/s. B.C.C. Ltd and introduced in evidence some documents which have been marked Exts. M-1 and M-2.

5. The concerned workman, on the other hand, examined himself in support of his case and introduced in evidence

a mass of documents which have been marked Exts. W-1 to W-19.

6. S. I. B. Joshi, Advocate, appearing for the management has submitted before me that the concerned workman was initially placed under Clerical Grade III as he was Store Issue Clerk and that his promotion in the year 1978 could not be considered as he was under cloud, having been visited with chargesheet for grave misconduct. He has further submitted that his case for promotion was considered in 1976 by the Departmental Promotion Committee and he was promoted to Clerical Grade-II on the recommendations of the Departmental Promotion Committee. Sri Joshi has also submitted that the management considered cases for promotion in respect of the workmen against whom departmental enquiries were pending and in the present case this was done in 1978. The case of the concerned workman for promotion to Clerical Grade-II not being recommended by the Departmental Promotion Committee in 1978, he was not promoted to Clerical Grade-II. He is of the view that the concerned workman has got no relief in the present reference.

7. Sri S. Bose, authorised representative of the concerned workman has submitted that since a chargesheet was pending against the concerned workman, his case for promotion from Clerical Grade III to Grade-II was not considered by the Departmental Promotion Committee in 1978. He has further submitted that since the management withdrew the chargesheet against the concerned workman, his case for promotion should be considered and made effective from 1978 instead of 1980 when he was promoted to Clerical Grade-II on the recommendations of the Departmental Promotion Committee.

8. The concerned workman, in his testimony before this Tribunal, has stated that in 1971 he started working for M/s. B.C.C. Ltd. as its employee and that at that time there was no Clerical Grade for him and in 1973 he was placed under Clerical Grade III and was posted to Damoda Colliery of M/s. B.C.C. Ltd. This testimony of his has not been recalled by the management in cross-examination. That being so, I come to the conclusion that the concerned workman joined the service of M/s. B.C.C. Ltd. in 1971 and was posted to Damoda Colliery of M/s. B.C.C. Ltd. in 1973 and placed under Clerical Grade-III.

9. In the terms of reference the concerned workman has been described as Asstt. Store Keeper of M/s. B.C.C. Ltd. The management have taken exception to this position and submitted that the concerned workman was a Store Issue Clerk in Clerical Grade-III in the year 1978. Even the witness for the management MW-1, S. N. Misra has had to admit in cross-examination that the concerned workman was Asstt. Store Keeper at the relevant time in 1980. The documents of the management again and again described the concerned workman as Asstt. Store Keeper, Store Clerk; for instance, Office Order dated 28-11-75 issued by the management (Ext. W-1) describing the concerned workman as Asstt. Store Keeper. Another Office Order dated 6/7-6-78 of the management (Ext. W-3) describes him as Store Clerk. Yet another Office Order dated 19/22-7-76 describes (Ext. W-5) him as Asstt. Store Keeper. Thus the position is inescapable that prior to his promotion to the post of Clerical Grade-II in 1980 the concerned workman was posted as Asstt. Store Keeper and was in Clerical Grade-III.

10. Admittedly, the Departmental Promotion Committee considered the case of the concerned workman for promotion to Clerical Grade-II in 1980. By Office Order dated 14-4-80 (Ext. W-6) the management promoted the concerned workman to the post of Asstt. Store Keeper in Grade-II and the order was to take effect from the date the promotees joined their duties to the promoted post.

11. There is no dispute that in 1978 the Departmental Promotion Committee considered the cases of clerks placed under Clerical Grade-III to Clerical Grade-II, but the concerned workman was not promoted to the post of Clerical Grade-II. The plea of the management is that the confidential roll of the concerned workman was not good and that he was served with a chargesheet for commission of a serious mis-conduct and was facing disciplinary action.

12. The management, however, have not placed any documentary evidence in support of their contention that confidential roll of the concerned workman was not good. On the other hand, the documents produced by the concerned workman is indicative of the fact that his performance of duties and dedication to work was appreciated by the management. Sri H. N. Tripathi, General Manager of M/s. B.C.C. Ltd. wrote D.O. letter to the concerned workman on 15-7-80 (Ext. W-7) in appreciation of his performance of duties and dedication to work. Thus it is seen that the plea of the management that the confidential roll of the concerned workman was not good in 1978 is not tenable.

13. There is no dispute that the concerned workman was visited with a chargesheet by the management on 3-12-76 for shortage of 167 pairs of tub wheels along with exles which was caused allegedly at his connivance (Ext. W-14). It was considered by the management that the act of the concerned workman amounted to mis-conduct under Section 17(1)(a) of the Model Standing Orders for theft, fraud or dishonesty in connection with employer's business or property and he was asked to submit his reply within 48 hours of the receipt of the chargesheet. On 4-12-76 the concerned workman gave a detailed reply to the chargesheet denying the charge entirely (Ext. W-15). He has stated in evidence that he was allowed to join his duties after the order of suspension was lifted and that ultimately the management did not hold any domestic enquiry against him. This being the position, it could be safely concluded that the management were satisfied that the reply given by the concerned workman to the chargesheet and that they not only lifted order of suspension imposed on him, but did not hold domestic enquiry against him. It can be safely concluded that the concerned workman was exonerated of the charges framed against him.

14. The concerned workman made repeated representations for his promotion to the post of Clerical Grade-II to the management from 1978 (Exs. W-17 and W-17/A). But the management turned down his representation by letter dated 25/27-8-82 (Ext. W-11) without assigning any reason. In the context of facts and circumstances of the case I cannot but hold that the management were not justified in negativing the representations of the concerned workman for consideration of his case for promotion to Clerical Grade-II with effect from 1977-78.

15. Sri B. Joshi, Advocate, for the management has urged before me that the case of the concerned workman was considered for promotion in 1978 even though domestic enquiry was pending against him. But there is no iota of evidence produced by the management in support of this contention. On the other hand, the documents produced by the workman which is the document of the management, a letter dated 4-2-1983 addressed to the A.L.C. (C), Dhanbad, by the Personnel Manager, Barora Area establishes the fact that the case for promotion of the concerned workman was not considered by the Departmental Promotion Committee in 1978 since there was a chargesheet pending against him. This letter states as follows :

"So far as supersession by the juniors in promotion is concerned, there was a chargesheet issued to Nirkant Singh and it was pending and due to this reason the Departmental Promotion Committee did not consider his case for promotion as Asstt. Store Keeper in 1978 and his juniors superseded him. The charges cleared in 1980 and the Departmental Promotion Committee in 1980 considered his promotion as Asstt. Store Keeper."

16. Thus it is obvious that the case of the concerned workman for promotion to Clerical Grade-II was not considered by the Departmental Promotion Committee in 1978 in view of the fact a chargesheet was pending against him. Now that the concerned workman has been cleared of the charges his case for promotion has got to be considered by the management through the concerned Departmental Promotion Committee with effect from 1978 as it was done earlier by the committee in the case of other candidates.

17. Accordingly the present reference case is disposed of holding that the action of the management is not justified.

Hence,

it is ordered,

that the present reference case be disposed of. The action of the management of Regional Store in Barora Area No. I of M/s. Bharat Coking Coal Ltd. in not giving the pay scale of Clerical Grade-II as Assistant Store Keeper to the concerned workman is not justified. The management are hereby directed to consider the case of the concerned workman for promotion to Clerical Grade-II from 1978 and preparation of seniority list accordingly within two months from the date of publication of the award.

In the circumstances of the case parties are to bear their own costs.

S. K. MITRA, Presiding Officer

[No I-20012/123/83-D.III (A)]

का. अ. 33।—ओर्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जामादोबा कालयरी, मेसर्स टाटा आयरन एण्ड स्टील कम्पनी लिमिटेड के प्रबंधताल के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्योगिक विवाद में केन्द्रीय सरकार ओर्योगिक अधिकरण, संघ्या—1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12 जनवरी, 1988 को प्राप्त हुआ था।

S.O. 339—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jamadoba Colliery of M/s. Tata Iron and Steel Company Ltd., and their workmen, which was received by the Central Government on the 12th January, 1988.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 5 of 1984

PARTIES :

Employers in relation to the management of Jamadoba Colliery of Messrs. Tata Iron & Steel Company Limited.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri J. P. Singh, Advocate.

STATE : Bihar

INDUSTRY : Coal.

Dated, the 30th December, 1987

AWARD

By Order No I-20012/30/83-D.III (A), dated, the 10th January, 1984, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of sub-section (1) of section 10 of the Industrial

Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Jamadoba Colliery of Messrs Tata Iron & Steel Company Ltd. in superannuating from service Shri Amar Singh, Watchman from the 25th October, 1983 is correct and justified, considering that there was a mistake on the part of the management in the recording of his date of birth which was entered in his identity cards differently at different times ? If not, to what relief is this workman entitled ?"

2. The case of the management, brief of unnecessary details is as follows :

Bhartiya Mazdoor Manch, the sponsoring union is neither recognised nor the representative union functioning in Jamadoba Colliery of M/s. Tata Iron and Steel Company Ltd. The union is not registered under the Trade Unions Act, 1926 and as such, it has no locus standi to raise the present dispute. The management are not aware if the concerned workman was a member of Bhartiya Mazdoor Manch and whether any resolution was passed by the General Body of the workmen authorising the General Secretary to raise the present dispute and so the onus is on him to prove the same. The concerned workman was employed as Watchman in the Security Department of Jamadoba Colliery with effect from 1-11-1961 and his date of birth, as declared by him was mentioned as 26-10-1923 in the service record of the company. But in the identity card issued to him, his date of birth was wrongly embossed as 26-6-1937 instead of 26-10-1923 by mistake. When the mistake was detected a new identity card was issued to him correcting the date of birth which was 26-10-1923 as per record of the Company. He, however, disputed his age and submitted school leaving Certificate wherein his date of birth was mentioned as 28-11-1933. He also submitted a copy of the certificate of discharge from the Armed Force wherein his date of birth was recorded as 22 years and 137 days as on 28-11-1959. Since there was wide discrepancy in the age as recorded in the school leaving certificate and the certificate of discharge from the Armed Force, the management have to rely on the age declared by him at the time of appointment i.e. 26-10-1923. Consequent upon a dispute having been raised by him the Asstt. Labour Commissioner (C), Dhanbad, advised to refer the concerned workman to the Company's Medical Board at the Tata Central Hospital, Jamadoba for assessment of his age. Accordingly letters were issued to him dated 14/20-7-1983 and 22-7-1983 advising him to appear before the Medical Board on 20-7-1983 and 27-7-1983 respectively for the above purpose. But he refused to receive the above letters and did not appear before the Medical Board. The matter was again discussed with the Asstt. Labour Commissioner (C), Dhanbad, and the management agreed to give him one more opportunity to appear before the Medical Board for assessment of his age. Accordingly a letter dated 23-9-1983 was issued to him advising him to appear before the Medical Board on 25-9-1983 for assessment of his age. It was expressly mentioned in that letter that should he fail to appear before the Medical Board on the above date, he would be superannuated from the Company's service with effect from 25-10-1983 on the basis of the date of birth as recorded in his service record. But he did not appear before the Medical Board and as such, he was superannuated with effect from 25-10-1983. In the context of the above facts and circumstances the concerned workman has got no relief in the present reference.

3. The case of the concerned workman, as appearing from the written statement filed by the General Secretary, Bhartiya Mazdoor Manch, the sponsoring union, is as follows :

The concerned workman was recruited in service on 1-11-1961 and he was issued with an identity card where his date of birth was shown as 26-6-1937. About 20 years thereafter he was issued another identity card with a change of his date of birth which was shown as 26-10-1923. His service conditions were affected by the change so effected by the management. His date of birth is 26-6-1937 and that was recorded on the basis of school leaving certificate and his Horoscope produced before the authority concerned.

He was advised to see the Chief Personnel Manager vide letter No. JMB|PD|3686|82 dated 21-8-1982 and when he did so, he was assured due consideration of his matter and the Chief Personnel Manager admitted that there was wrong entry in the second identity card. He was expecting that the management would correct his age as per the first identity card, but unfortunately by letter dated JMB|PD|1314|83 dated 13th March, 1983 the management regretted to change the date of his birth. He is a bona fide member of the union which raised the industrial dispute before the Asstt. Labour Commissioner (Central), Dhanbad. The question of registration of union is not relevant for raising any industrial dispute. The action of the management in terminating his service on the basis of wrong date of birth as recorded in the record of the company is unjustified and it has been prayed that the Tribunal be pleased to direct the management to restore the original age and reinstate him with full back wages.

4. In the rejoinder to the written statement of the concerned workman the management has reiterated the position taken by them in the written statement and submitted that the Chief Personnel Manager explained to the concerned workman that his date of birth is 26-10-1923 and as such second identity card was issued mentioning the correct date of birth. The other allegations in regard to this matter have been denied by the management.

5. In the rejoinder to the written statement of the management the concerned workman has stated that prior to his joining the service of the colliery in question he was in Military service and had obtained release certificate bearing out all particulars including his age. Consequent upon issuance of a new identity card showing his date of birth to be 26-10-1923 as per record of the company, he disputed his age as recorded therein and in support of his contention submitted a school leaving certificate where his date of birth was mentioned to be 28-11-1933. He also submitted the certificate of discharge from the Armed Force wherein his age was recorded to be 22 years and 137 days as on 28-11-59. Thus according to the certificate of discharge from the Armed Force his date of birth was 1937. The management found discrepancy in the age recorded in the school leaving certificate and the certificate of discharge from the Armed Force and therefore took a decision that the age recorded in the service record i.e. 26-10-1923 was correct and he was retired from service on that basis with effect from 25-10-1983. He raised an industrial dispute through his union, Bhartiya Mazdoor Manch. The Asstt. Labour Commissioner (C), Dhanbad, held conciliation, but he submitted a failure report. In consideration of his being a discharged Military person he was given employment by the management in the Security Department of M/s. Tata Iron & Steel Company Ltd. and hence, the age as recorded in the certificate of discharge from the Armed Force should be the only authentic document on the basis of which his age should have been recorded in his service record. It is further submitted that service record maintained by the management would have no importance because in the identity card which was simultaneously prepared his age was shown as 26-6-1937. The certificate of discharge from the Armed Force and original identity card prepared at the time of his entry in the service should have been the guiding document on the basis of which the age in the service record should have been corrected or rectified. He has been prematurely retired from service which caused him great hardship.

6. The management examined only one witness, namely, Ashok Kumar Sinha, who is working in the Personnel Dep't. of M/s. Tata Iron & Steel Co. Ltd., and introduced in evidence a mass of documents which have been marked Exts. M-1 to M-2/2. The concerned workman, on the other hand, examined himself only and get admitted in evidence a number of documents which have been marked Ext. W-1 to W-3.

7. S-i S. S. Mukherjee, learned Advocate, appearing for the management has submitted that the present reference is not legally maintainable since the concerned workman is not a member of Bhartiya Mazdoor Manch, the sponsoring union nor is the sponsoring union a recognised trade union operating in Jamadoba colliery of M/s. Tata Iron & Steel Co. Ltd. He has further contended that the age of the concerned workman

as recorded in the service record of the company is 26-10-23 as per declaration of the concerned workman and that the first identity card showing his date of birth as 26-6-1937 is wrong and that his date of birth was corrected by issuance of second identity card which was prepared in conformity with the service record. He has further submitted that consequent upon an industrial dispute raised, he was directed to appear before the Medical Board as advised by the Asstt. Labour Commissioner (C), Dhanbad, the Conciliation Officer. He has pointed out that the workman not having appeared before the Medical Board for determination of his age, the company superannuated him from service with effect from 25-10-1983. According to Sri Mukherjee this act of the management is justified and consistent with the principle of justice.

8. Sri J. P. Singh, learned Advocate, appearing for the concerned workman and the sponsoring union, has submitted that Bhartiya Mazdoor Manch, the sponsoring union, is competent to raise the present industrial dispute and since the concerned workman is one of its members, the union has competency to espouse the cause of the concerned workman by raising the present industrial dispute. He has also submitted that the management changed the date of birth of the concerned workman to his disadvantage and ignored the certificate of discharge from Armed Force recording the age of the concerned workman without any cogent reason. According to him the management should have accepted the age of the concerned workman as recorded in the certificate of discharge from Armed Force which is the most authentic document in respect of his age and should not have superannuated him on the basis of age as recorded in the service record. He has urged that the present reference must be answered in favour of the concerned workman and an award be followed accordingly.

9. It is irrefragable position that the concerned workman joined the service of Jamadeba Colliery of M/s. Tatas Iron & Steel Co. Ltd. on 1-11-1961 and was employed as Watchman in the Security Department. The term of reference is indicative of the fact that the present dispute was raised by the General Secretary, Bhartiya Mazdoor Manch, Dhanbad which is the sponsoring union. Thus it is evidenced that Bhartiya Mazdoor Manch is the sponsoring union which raised the present dispute. The sponsoring union has stated in Para 16 of its written statement that the concerned workman is a bona fide member of the union who raised the industrial dispute before the Asstt. Labour Commissioner (C), Dhanbad. The management in their rejoinder has called upon the concerned workman to prove his membership of the union. The fact remains that the sponsoring union raised an industrial dispute on behalf of the concerned workman before the Conciliation Officer i.e. Asstt. Labour Commissioner (C), Dhanbad. The Conciliation Officer was satisfied that the concerned workman was a member of sponsoring union that the sponsoring union was competent to raise the present industrial dispute.

10. Sri Mukherjee has pointed out to me the evidence of the concerned workman wherein he has stated that he is a member of I.N.T.U.C. But I.N.T.U.C. is a federative body and that does not mean that the concerned workman is not a member of the sponsoring union. It is not necessary that the sponsoring union should be a registered trade union or a recognised trade union. Even if the sponsoring union is not a registered trade union or the recognised trade union, it has got competency and authority to raise the present industrial dispute. Thus considering all aspects of the matter I come to the conclusion that the present reference born out of an industrial dispute raised by the sponsoring union is maintainable.

11. The case of the management is that the age of the concerned workman is 26-10-1923 which was recorded in the service record of the company as per declaration of the concerned workman. But there is no vestige of evidence on record to indicate that the service record was a contemporaneous document which was prepared when the concerned workman joined the service of the colliery. Besides there is no evidence of eye witness to indicate that the concerned workman declared his age at the time of joining his service of the colliery and that was recorded in the service record.

12. Moreover, the service record is hardly a substitute for Form 'B' Register which is required to be kept by every mine under the provision of Section 48 of the Mines Act.

1952. In the prescribed Form B there are columns providing for recording of age of the employee with his signature or thumb impression. But the service record produced by the management is not as per prescribed Form B. It does not also contain the signature of the concerned workman. That being so, the service record of the concerned workman is not as sacrosanct and infallible as Sri Mukherjee would have me believe.

13. There is no dispute that identity card was issued to the concerned workman in which his age is recorded as 26-6-1937. The position is really so and this I state with reference to identity card which has been marked Ext. W-1. The management has taken the plea that the date of birth was erroneously recorded therein. But they have not explained as to why such inaccuracy crept therein. However, after a lapse of more than 20 years the management issued to the concerned workman second identity card showing his date of birth as 26-10-1923. This appears in conformity with the age as recorded in service record (Ext. M-1) of the concerned workman. But this service record is not a dependable document as I have pointed out above in so far as the age of the concerned workman is concerned. Then again the management were not within their right to change the date of birth without notice and without giving opportunity to the concerned workman. The Hon'ble Supreme Court in the case reported in AIR 1981 SC 1481 has cited with approval its earlier decision reported in AIR 1967 SC 1269 holding that the date of birth without notice and without giving opportunity to the employee concerned cannot be altered to the disadvantage and prejudice of the employee because an administrative order which involves civil consequences must be made in conformity with the rule of natural justice which at its lowest minimum requires notice and opportunity to the person affected thereby. That admittedly having not been done in the present case, the second identity card issued by the management to the concerned workman must be held to be of no consequence in so far as the age of the concerned workman is concerned.

14. It is the undisputed position that the concerned workman raised an industrial dispute through his sponsoring union when the management altered his date of birth by issuing the second identity card. It appears that the Conciliation Officer advised the parties to have the age of the concerned workman determined by a Medical Board of the company. This advice was presumably given in view of the considerable discrepancy in the year of birth of the concerned workman in his school leaving certificate where the date of birth has been mentioned as 28th November, 1933, certificate of discharge from the Armed Force (Ext. W-3) where his age has been mentioned as 22 years 137 days as on 28th November, 1959 and calculating backwards it comes to 21st July, 1937 and the age as recorded in the service record Sri S. S. Mukherjee has urged before me that this was rightly done and in support of his contention he has cited the decision reported in 16 S.C.L.J. 1. The legal position is really so.

15. Sri J. P. Singh, learned Advocate for the sponsoring union and the concerned workman has hotly disputed the proposition for setting up of a Medical Board of the choice of the management for determination of the age of the concerned workman and has urged before me that the age of the concerned workman as recorded in the certificate of discharge from the Armed Force should have been accepted by the management. Indeed, the certificate of discharge from the Armed Force is a weighty document in so far as the age of the concerned workman is concerned. But in the matter of determination of age of the concerned workman certificate of discharge from the Armed Force alone is not the only guideline. Enquiry as to his age can be made by other supportive evidence including examination of him by an expert or experts constituting a Medical Board. It appears from the testimony of the concerned workman that he has no confidence in the Medical Board of the management. The only alternative left open is to constitute a Medical Board of experts by an independent authority preferably by the Civil Surgeon, Sadar Hospital, Dhanbad.

16. According to the certificate of discharge from the Armed Forces the concerned workman is miles away to reach the age of superannuation. The management had superannuated the concerned workman on the basis of age recorded in service record and second identity card in both of

which his date of birth was recorded as 26th October, 1923 ignoring the first identity card where his age was recorded as 26th June, 1937 and without giving him notice and opportunity of hearing in the matter of change of date of birth as recorded in the first identity card. The management were not justified in doing so. In the circumstances of the present case the management may either accept the age of the concerned workman as recorded in the certificate of discharge from the Armed Forces or to make an enquiry as to his age which includes determination of age by medical expert or experts as stated before. In this view of the matter the action of the management in superannuating the concerned workman on the basis of his age as recorded in his service record is not justified.

17. It appears from the certificate of discharge from the Armed Forces that the date of birth of the concerned workman comes to 21st July, 1937 after calculating backwards from the age as given therein. If this age is accepted, the concerned workman has got many more years to reach the age of superannuation. The management may either accept the age as recorded in the certificate of discharge from the Armed Forces or may make an enquiry as to the age of the concerned workman on the lines as suggested above. In any view of the matter the action of the management in superannuating him from service with effect from 25th October, 1983 on the basis of age as recorded in the service record is not justified and the concerned workman is entitled to get back wages from the date he was illegally superannuated till he resumes his duty for which he is to report within one month from the date of publication of the award. It will, however, remain open to the management, if they so desire and consider it necessary, to hold an enquiry as mentioned above about the correct age of the concerned workman after giving him notice and opportunity of hearing and therefore on the basis of finding reached in the enquiry, to retire him from the service.

In the circumstance of the case there will be no order for cost.

S. K. MITRA, Presiding Officer
[No. L-20012/301/83-D. III(A)]
P. V. SREEDHARAN, Desk Officer

नई दिल्ली, 21 जनवरी, 1988

क्र. आ. 340 :—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स एल. एम. हाटी एण्ड कं. पारावीप के प्रबंधित से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-1988 को प्राप्त हुआ था।

New Delhi, the 21st January, 1988

S.O. 340.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. L. M. Hati & Co. Paradip and their workmen, which was received by the Central Government on the 5th January, 1988.

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

Industrial Dispute Case No. 44/87 (Central)

Dated, Bhubaneswar, the 23rd December, 1987

BETWEEN

The Management of M/s. L. M. Hati & Co. Stevedores & C & F Agents, At/P.O. Paradip Port, District Cuttack.

...First Party—Management.

AND

1. Sri Dilip Kumar Biswal,
2. Sri Surendranath Das,

3. Sri Purnachandra Pani,
4. Sri Gouranga Chandra Sahu,
5. Sri Bhaskar Maholik,
6. Sri Barayana Jena,
7. Sri Bairagi Rout,
8. Sri Nirmal Barik,
9. Sri Khirod Das,
10. Sri Kailash Chandra Swain,
11. Sri Kasinath Das,
12. Sri V. Ramakrishna,
13. Sri Rabindra Das,
14. Sri Bishnu Chandra Pradhan,
15. Sri Abhaya Kumar Das,
16. Sri Ghanshyam Sahu,
17. Sri Jogendra Pradhan,
18. Sri Ramesh Kumar Maholik,
19. Sri Sudhakar Sahoo
20. Sri Haladhar Sethi,
21. Sri Ratnakar Das,
22. Sri Supada Biswas,
23. Sri Krishna Napada Biswas,
24. Sri Ajay Kumar Biswal,
25. Sri Nabakishore Sahoo,
26. Sri Prakash Jena,
27. Sri Dhabaleswar Paikray,
28. Sri Surendra Kumar Rout,
29. Sri Sudarshan Sethi,
30. Sri Kiron Chandra Mandal,
31. Sri Kashinath Maholik,
32. Sri Ugrasen Sethi,
33. Sri Indramani Nayak,
34. Sri Bishnu Chandra Swain,
35. Sri Sudam Kumar Barik,
36. Sri Bishnu Chandra Das,
37. Sri Sunakar Behera,
38. Sri Sarat Chandra Maholik,
39. Sri Bharat Maholik,
40. Sri Abakash Pradhan,
41. Sri Sukanda Mallick,
42. Sri Basudev Mallick,
43. Sri Kailash Chandra Behera,
44. Sri Nrusisingha Ch. Biswal,
45. Sri Ananta Barik,
46. Sri Kamadev Mallick,
47. Sri Pravakar Mallick,
48. Sri Goutama Rout,
49. Sri Jayram Patra,
50. Sri Pramod Ku. Swain,
51. Sri Khira Mallik,
52. Sri Rajanikanta Jena,
53. Sri Suresh Ch. Acharya,
54. Sri Akhya Kumar Sahoo,
55. Sri Subodh Biswas,
56. Sri Natabara Nayak,
57. Sri Ratnakar Sahoo,
58. Sri Krishna Nakada Biswas,
59. Sri Savojeet Biswas,
60. Sri Jiban Biswas,
61. Sri Biren Mandal,
62. Sri Kirana Mandal,
63. Sri Pramod Singh,
64. Sri Dulini Ku. Marmakar,
65. Sri Kailash Ch. Mallick,
66. Sri Krishna Chandra Swain,
67. Sri Dusasan Mohanty,
68. Sri Ramesh Ch. Swain,
69. Sri Rajkishore Parida,
70. Sri Chhailamani Swain,

71. Sri Durga Ch. Swain,
 72. Sri Bishnu Chandra Swain,
 73. Sri Pratap Ch. Das,
 74. Sri Ajay Mallik,
 75. Sri Prakash Mohanty,
 76. Sri Nirakar Sahoo,
 77. Sri Bairagi Das,
 78. Sri Subash Sill,
 79. Sri Duryadhan Biswal,
 80. Sri Balaram Sahoo,
 81. Sri Gangadhar Pradhan,
 82. Sri Gayadha Majhi,
 83. Sri Kantha Ch. Das,
 84. Sri Mohan Ch. Samal,
 85. Sri Uchhaba Chandra Behera,
 86. Sri Udaya Kumar Das,
 87. Sri Ratnakar Biswal,
 88. Sri Lalita Panda,

Represented by the Joint Secretary, Paradip Port & Dock Mazdoor Union, At Badapadia, Vijaya Market, Block-D, P. O. Paradip Port, District Cuttack.

... Second Party—Workmen.

APPEARANCES :

Sri S. C. Hati, Chief Executive—For the First Party—Management.

Sri N. C. Panda, Vice-President, Paradeep Port and Dock Mazdoor Union—For the Second Party—Workmen.

AWARD

1. The matter arises out of a reference made by the Central Government in exercise of powers conferred under sub-section (5) of Section 12 read with clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act 1947 vide their Order No. L-38011/2/86-D. IV(A) dated 19th May, 1987 for adjudication of the dispute and answering the reference. The terms of reference may be quoted as follows:—

"Whether the action of the Management of M/s. L. M. Hati & Co., Paradip Port, District Cuttack in causing retrenchment of Sri Dilip Kumar Biswal and 87 others as per list given in annexure attached with effect from 7-12-85 is justified? If not, to what relief the workmen are entitled?"

2. On the date of hearing both the parties filed a Memorandum of Settlement and submitted that they have settled the dispute out of court in the interest of industrial peace and harmony and prayed to pass an Award in terms of the Settlement. Both the parties admitted the terms of the settlement before me. The settlement appears to be fair. Hence, I pass this Award in terms of the settlement. The Memorandum of Settlement do form part of the Award.

Transcribed to my dictation
and corrected by me.

S. K. MISRA, Presiding Officer
Industrial Tribunal.
23-12-87.

S. K. MISRA, Presiding Officer
[No. L-38011/2/86-D.IV(A)]

FORM 'H' See Rule 58

Settlement arrived at by agreement between M/s. L.M. Hati & Co. Pvt. Ltd., Stevedores/C & F Agents/Contractors at Paradip Port & Dock Mazdoor Union (INTUC) Paradip

Port Orissa

Name of the Parties
Representing Employer

M/s. L. M. Hati & Co. Pvt. Ltd.

Sri Sarat Chandra Hati
Chief Executive.

Representing Workmen Paradip
Port & Dock Mazdoor Union

Sri. N. C. Panda,
Vice-President.

Title of the case :

The Central Government in the Ministry of Labour vide their order No. I-38011/2/86-D(A) dated 19th May, 1987 referred the following matter before the Hon'ble Industrial Tribunal Orissa, Bhubaneswar for adjudication under the sub-section (I) and sub-section (ii) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947).

1. Whether the action of the Management of M/s. L. M. Hati & Co. Paradip Port, District Cuttack, Orissa causing retirement of Sri Dilip Kumar Biswal & 87 others as per list given in the annexure will attach with effect from 7th February, 1985 is justified? If not to what relief the workmen are entitled.

Terms of Settlement

1. It is agreed that 88 workmen involved shall be paid the following manner:

(a) Supervisor & Office Clerks @ 400.00 per head.

(b) Clearing gang and watchmen @ 300.00 per head

2. It is agreed that each of workmen shall be paid the same amount on or before 25th November, 1987 positively i.e. the full and final settlement of the claim.

3. Agreed that the workmen mentioned in the list shall be provided with work as and when the employer commences his work at Paradip Port in near future according to their requirement and in order of seniority basis.

Made part of the Award.

Sd/-

Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

23-12-1987.

Settlement

M/S. L.M.Hati & Co Stevedores/C & F Agents/Contractors
Paradip Port, Orissa.

Sl. No.	Name	Designation
1. Sri Dilip Kumar Biswal	Supervisor	
2. Sri Surendaranath Das	-do-	
3. Sri Purna Ch. Pani	-do-	
4. Sri Gauranga Ch. Sahoo	-do-	
5. Sri Bhaskar Malick	-do-	
6. Sri Narayan Jena		
7. Sri Bairagi Rout	Office Clerk	
8. Sri Nirmal Barik	Supervisor	
9. Sri Khirod Das	-do-	
10. Sri Kasinath Das	-do-	
11. Sri Kailash Ch. Swain	-do-	
12. Sri V. Ramakrishnan		
13. Sri Rabindra Das	Office Accountant	
14. Sri Bishnu Pradhan	Supervisor	
15. Sri Abhaya Ku. Das	-do-	
16. Sri Ghana Shyam Sahoo	-do-	
17. Sri Jogendra Pradhan	-do-	
18. Sri Ramesh Ch. Mallick		
19. Sri Sudhakar Sahoo	Watchman	
	-do-	

(1)	(2)			
20. Sri Haladar Sethy	Supervisor	85. Sri Uchhaba Behera		-do-
21. Sri Ratnakar Das	-do-	86. Sri Udhaya Ku. Das		-do-
22. Sri Supada Biswas	Clearing Gang	87. Sri Ratnakar Biswal		C/G
23. Sri Krishnapada Biswas	-do-	88. Sri Lalita Panda		-do-
24. Sri Ajaya Biswal	Supervisor			
25. Sri Nabakishore Sahoo	-do-			
26. Sri Prekash Jena	-do-			
27. Sri Dhabaleswar Paikray	-do-			
28. Sri Surendra Ku. Rout	Clearing Gang.			
29. Sri Sudarsan Sethy	Clearing Gang	1. Illegible	M/s.L.M. Ahati & Co.	Paradip Port & Dock
30. Sri Kiren Ch. Mandal	-do-		Stevedores/C F Agents	Mazdoor Union (INTUC)
31. Sri Kashinath Mallick	-do-			
32. Sri Ugrasan Sethy	-do-			
33. Sri Indramani Naik	Supervisor	2. Illegible	Contractors/Paradip Port (Orissa)	Paradip Port. Orissa.
34. Sri Bishnu Ch. Swain	-do-			
35. Sri Sudam Kumar Barik	-do-			
36. Sri Bishnu Ch. Das	-do-			
37. Sri Sunakar Behera	-do-			
38. Sri Sarat Ch. Mallick	Clearing Gang			
39. Sri Bharat Mallick	-do-			
40. Sri Abakash Pradhan	-do-			
41. Sri Sukanta Mallick	-do-			
42. Sri Basudev Mallick	-do-			
43. Sri Kailash Ch. Behera	Supervisor			
44. Sri Narusingh Ch. Biswal	-do-			
45. Sri Ananta Naik	Clearing Gang			
46. Sri Kamadev Mallick	-do-			
47. Sri Prabakar Mallick	-do-			
48. Sri Gautama Rout	Supervisor			
49. Sri Jayram Patro	-do-			
50. Sri Pramod Ku. Swain	Clearing Gang			
51. Sri Khira Mallick	-do-			
52. Sri Rajnikanta Jena	Supervisor			
53. Sri Suresh Ch. Acharya	Clearing Gang			
54. Sri. Akshya Ku. Shao	W/M			
55. Sri Subadha Biswash	C/G			
56. Sri Natabara Nayak	S/V			
57. Sri Ratnakar Sahoo	C/G			
58. Sri Krishnapada Biswas	-do-			
59. Sri Savojeet Biswash	C/G			
60. Sri Jiban Biswas	-do-			
61. Sri Biran Mandal	C/G			
62. Sri Kiran Mandal	-do-			
63. Sri Promod Singh	-do-			
64. Sri Puluni Ku. Karmakar	-do-			
65. Sri Kailash Ch. Mallick	S/V			
66. Sri Krishna Ch. Swain	S/V			
67. Sri Dusasan Mohanty	C/G			
68. Sri Ramesh Ch. Swain	S/V			
69. Sri Raj kishore Parida	S/V			
70. Sri Chhailamani Swain	S/V			
71. Sri Durga Ch. Swain	C/G			
72. Sri Hishnu Ch. Swain	W/M			
73. Sri Pratap Ch. Das	C/G			
74. Sri Ajaya Mallick	-do-			
75. Sri Prakash Mohanty	-do-			
76. Sri Nirakar Sahoo	-do-			
77. Sri Bairagi Das	S/V			
78. Sri Subash Sil	W/M			
79. Sri Duryodhan Biswal	-do-			
80. Sri Balaram Sahoo	C/G			
81. Sri Gangadhar Pradhan	S/V			
82. Sri Gayadhar Majhi	W/M			
83. Sri Kantha Ch. Das	S/V			
84. Sri Mohan Ch. Samal	-do-			

का. आ. 341 :—बौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, पारादीप पत्तन न्यास के प्रबंधसंघ से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट बौद्धोगिक विवाद में बौद्धोगिक अधिकारण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-88 को प्राप्त हुआ था।

S.O. 341.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Paradip Port Trust and their workmen, which was received by the Central Government on the 5th January, 1988.

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
Industrial Dispute Case No. 7/86 (Central)

Dated, Bhubaneswar, the 23rd December, 1987

BETWEEN

The Management of Paradip Port Trust, Paradip, District Cuttack.

First Party—Management.

AND

Their workmen represented by the General Secretary, Utkal Port and Dock Workers' Union, Brundaban Housing Complex, Paradip Port, District Cuttack.

Second Party—Workmen.

APPEARANCES :

Sri H. K. Mohanty, Legal Officer—For the First Party—Management.

Sri Pravat Kumar Samantaray, President—For the Second Party—Workmen.

AWARD

1. The matter arises out of a reference made by the Central Government in exercise of powers conferred under sub-section (9) of Section 12 read with clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 vide their Order No. L-38011/8/85-D. IV(A) dated 20th

August, 1986 for adjudication of the dispute and answering the reference. The terms of reference may be quote as follows :—

“Whether the action of the Management of Paradip Port Trust in refusing employment to S/Sri Pahali Das, Mahi Das, Hiranya Guru and Dhruba Ch. Pal with effect from 20th August, 1981 is legal and justified ? If not, to what relief the workmen are entitled ?”

2. On the date of hearing both the parties filed a Memorandum of Settlement and submitted that they have settled the dispute out of court in the interest of industrial peace and harmony and prayed to pass an Award in terms of the settlement. Both the parties admitted the terms of the settlement before me. The settlement appears to be fair. Hence I pass this Award in terms of the settlement. The Memorandum of Settlement do form part of the Award.

S. K. MISRA, Presiding Officer

Transcribed to my dictation
and corrected by me.

Presiding Officer,
Industrial Tribunal.
23-12-87.

[No. L-38011/8/85-D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

FORM-H

MEMORANDUM OF SETTLEMENT

Name of the Parties :

Representing employer(s)

1. Shri R. K. Mishra,
Chairman,
Paradip Port Trust.

Representing Workmen :

2. H. K. Mohanty,
Legal Officer,
Shri Pravat Kumar Samant-
ray
President
Utkal Port & Dock Wor-
kers' Union.

Recital of case and terms of settlement

On a demand raised by Utkal Port & Dock Workers' Union on behalf of S/Sri Pahali Das, Hiranya Guru, Dhruba Pal and Mahi Das, the Central Government made a reference to the Presiding Officer, Industrial Tribunal (Central), Bhubaneswar for adjudication of the dispute on 20th August, 1986, which was numbered as I.D. Case No. 7/86. The respective parties filed their written statements before the Presiding Officer. In course of the hearing, the Presiding Officer on 17th August, 1987, advised the parties to go for an amicable settlement of the dispute, if possible. Accordingly, the matter was discussed with the representatives of the Union on 27th August, 1987. After discussions, the following settlements are arrived at between the parties.

- (1) The Union agreed to confine its demand for engagement of the following three workmen namely, S/Sri Pahali Das, Hiranya Guru and Dhruba Pal with the exclusion of Sri Mahi Das on the ground that his name did not figure in the discussions the union held with the Management for the first time on the issue on 27th April, 1985 and besides he is an old man and incapable of discharging duty.
- (2) The Union undertook that no further demand for engagement of workers in the Main List with reference to Notification dated 20th August, 1981 shall be made by them.
- (3) Although the Union agreed not to press for any back wages for these 3 workers, Sri P. K. Samantray, President of the said Union made a submission for considering some kind of relief in the form of ex-gratia to these workers.

(4) The Union recognised the prerogative of the management to verify the character and antecedents of its workers and agreed that in the event of such reports, being adverse in case of these 3 workers, the management shall be free to take appropriate action as per the “Paradip Port Cargo Handling (Regulation of Employment) Scheme.”

(5) In consideration of the above submission of the Union, the Management agreed to take the aforesaid 3 persons namely; S/Shri Pahali Das, Hiranya Guru and Dhruba Pal to employment with immediate effect.

(6) After the deployment of the aforesaid workers, the management is free to proceed with the verification of their character antecedents through appropriate forum.

(7) An ex-gratia payment of Rs. 15,000 (Rupees fifteen thousand) only is made to the aforesaid 3 workmen as a token of relief by the management, Paradip Port Trust.

(8) Parties are to file this memorandum of settlement before the Presiding Officer with a prayer to dispose of the pending dispute in terms of this Memorandum of settlement.

Sd/- Illegible

Vice-President
Representing workmen.

Sd/- Illegible

Witness
Sd/- Illegible
Legal Officer
Paradip Port Trust.

Signature of the parties
Representing Employer.

Socy.

Sd/- PARADIP PORT TRUST

संचार मंत्रालय

(दूर संचार विभाग)

नई दिल्ली, 25 जनवरी, 1988

का. आ. 342 :—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के लंबे 111 के पैरा (क) के अनुसार महानिदेशक, दूर संचार विभाग ने सवाई माधोपुर सिटी टेलीफोन केन्द्र, राजस्थान संकिल, में दिनांक 01-02-1988 से प्रमाणित दूर प्रणाली लागू करने का निष्पत्ति किया है।

[संख्या 5-6/87-सी एच बी]

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 25th January, 1988

S.O. 342.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 1st February, 1988 as the date on which the Measured Rate System will be introduced in Sawaimadhopur City Telephone Exchange, under Rajasthan Telecom. Circle.

[No. 5-6/87-PHB]

नई दिल्ली, 29 जनवरी, 1988

का. आ. 343:—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिवेशक, दूरसंचार विभाग ने शोतियान, इम्बनकल्मन, चबड़ा देवी, कञ्जा-पक्का, वरपाल टेलीफोन केन्द्रों, पंजाब सकिल; सिरोही टेलीफोन केन्द्र, राजस्थान सकिल; कूड़ापहुँ, टेलीफोन केन्द्र, तामिलनाडु सकिल तथा डाईमण्ड हारधर टेलीफोन केन्द्र, पश्चिम बंगाल सकिल में दि. 15-2-1988 से प्रमाणित दर प्रणाली लागू करने का निष्चय किया है।

[संख्या 5-1/88—पी. एच. बी.]

New Delhi, the 29th January, 1988

S.O. 343.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 15th February, 1988 as the date on which the Measured Rate System will be introduced in Dhotian, Ibban Kalan, Chawinda Devi, Kacha-Pacca, Verpal Telephone Exchanges under Punjab Telecom. Circle; Sirohi Telephone Exchange under Rajasthan Telecom. Circle; Koodapattu Telephone Exchange under Tamil Nadu Telecom. Circle and Diamond Harbour Telephone Exchange under West Bengal Telecom. Circle.

[No. 5-1/88-PHB]

नई दिल्ली, 1 फरवरी, 1988

का. आ. 344.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिवेशक, दूरसंचार विभाग ने पुनलुर—इडमन, तेवमला, कुन्निकाउ और पेरिंगम्स्तूर टेलीफोन केन्द्रों, केरला दूरसंचार सकिल में, भधुबनि और हाजिपुर टेलीफोन केन्द्रों, विहार, दूरसंचार सकिल में तथा पौड़ी टेलीफोन केन्द्र, उत्तर प्रदेश सकिल में दिनांक 15-02-1988 से प्रमाणित दर प्रणाली लागू करने का निष्चय किया है।

[संख्या 5-1/88—पी. एच. बी.]

पी. आर. कारडा, महायक महानिवेशक, (पी.एच.बी.)

New Delhi, the 1st February, 1988

S.O. 344.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specified 15-2-1988 as the date on which the Measured Rate System will be introduced in Punalur-Edaman, Thenmalai, Kunnicode, Peringathur, Telephone Exchanges under Kerala Telecom, Circle, Madhubani and Hazipur Telephone Exchanges under Bihar Telecom Circle and Pauri Telephone Exchange under U.P. Telecom. Circle.

[No. 5-1/88-PHB]

P. R. KARRA, Asst. Director General (PHB)

